S. HRG. 98-341

PROHIBITION OF INCENTIVE PAYMENTS FOR CROPS PRODUCED ON HIGHLY ERODIBLE LAND

HEARING

BEFORE THE

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY UNITED STATES SENATE

NINETY-EIGHTH CONGRESS

FIRST SESSION

ON

S. 663

A BILL TO PROHIBIT THE PAYMENT OF CERTAIN AGRICULTURE INCENTIVES TO PERSONS WHO PRODUCE CERTAIN AGRICULTURAL COMMODITIES ON HIGHLY ERODIBLE LAND

APRIL 19, 1983

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PROHIBITION OF INCENTIVE PAYMENTS FOR CROPS PRODUCED ON HIGHLY ERODIBLE LAND

TUESDAY, APRIL 19, 1983

U.S. SENATE,
COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY,
Washington, D.C.

The committee met, pursuant to notice, at 11:05 a.m., in room 328-A, Russell Senate Office Building, Hon. Roger W. Jepsen presiding.

Present: Senators Jepsen and Boren.

STATEMENT OF HON. ROGER W. JEPSEN, A U.S. SENATOR FROM IOWA

Senator JEPSEN. The Committee on Agriculture, Nutrition, and Forestry will come to order. I would like to welcome everyone here today to this hearing on Senate bill 663.[1] It is a bill calling for the prohibition of price supports for crops produced on certain lands.

As you are all probably aware, many of us were called to the White House for a Presidential briefing, and this did cause a delay in starting the proceedings today. Senator Helms is still detained and unable to attend, and I would like to thank him for his continued interest in soil conservation and for asking me to chair this hearing on what many consider to be a critical step toward innovating the Federal approach to conservation problems.

The purpose of the hearing today is to receive testimony on Senate bill 663, sponsored by the very distinguished Senator from Colorado, Bill Armstrong. As written, Senate bill 663 would prohibit the payment of price supports to farmers who crop what are referred to as highly erodible lands.

It would appear that the intent of this legislation is in line with the U.S. Department of Agriculture's internal procedures, and that is to focus conservation efforts on areas where conservation assistance is needed the most.

However, instead of supplying money to farmers to implement a particular conservation practice, this bill, this innovative bill, provides that farm operators cannot receive price or income supports or any other inducement that would encourage the cultivation of lands that are not well suited for crop production.

The proposal before us is a revision of the bill authored by Senator Armstrong last year. It is my understanding that many of the

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[1] See p. 101 for a reprint of S. 663, and p. 104 for a staff explanation of S. 663.

questions surrounding passage of the previous effort have been resolved. Additionally, the Senator has made a concerted effort to work with the State governments of those States that would be most directly affected by passage of this proposal.

I have before me a letter from the Governors of Montana and North Dakota, the Honorables Ted Schwinden and Allen Olson representing the National Governors' Association. The Governors offer full and strong support for this legislation. This represents an initial step in what they and other Governors hope will develop into a more permanent relationship with the Federal Government.

I appreciate their willingness to cooperate and to aid in the efforts of the Federal Government, and I want to thank them for their interest in agricultural conservation issues.

[The following letter was received for the record:]

NATIONAL GOVERNORS' ASSOCIATION,
April 8, 1983.

Hon. JESSE HELMS,
Senate Dirksen Office Building,
Washington, D.C.

DEAR SENATOR HELMS: The purpose of this letter is to offer our strong support for S. 663, legislation by Senator William L. Armstrong that would remove the benefits of federal agricultural programs as an inducement to cultivate highly erodible soils. We support Senator Armstrong's legislation because we believe that soil erosion is a serious national problem and that steps must be immediately taken to make federal agricultural programs consistent with sound conservation practices.

The National Governors' Association supports efforts consistent with the Department of Agriculture's "first long-term objective" to "develop a program that will lead toward nondegradation of the Nation's soil and water resources" (see USDA's Final Program Report and Environmental Impact Statement regarding the National Program for Soil and Water Conservation, December 21, 1982). Along these lines, we are in complete agreement that all federal inducements to cultivate any portion of the 248,407,000 highly erodible acres potentially affected by Senator Armstrong's bill should be eliminated at the earliest possible time.

While we support Senator Armstrong's legislation and efforts to enhance the national soil conservation effort, we are taking steps to strengthen state soil and water conservation programs. At this very moment our Soil Conservation Task Force is preparing and circulating a Model State Act for Soil Conservation that we intend to share with Governors attending the 1983 annual meeting of the National Governors' Association in Portland, Maine (July 31 thru August 2, 1983). Indeed, we believe that the challenges and opportunities associated with the serious problem of soil erosion should be approached on a dual track in complete partnership by states with the federal government.

Again, we support prompt enactment of S. 663.

Sincerely,

Governor TED SCHWINDEN,
Chairman, Committee on Agriculture (Montana).

Governor ALLEN I. OLSON,
Chairman, Soil Conservation Task Force (N. Dakota).

Senator JEPSEN. Now, I would welcome Senator Armstrong for any statements that he may so desire to make, and I would advise the distinguished Senator that any written statement that he has will be entered into the record as though it was read. You may proceed in any manner and for any length of time you so desire.

STATEMENT OF HON. WILLIAM L. ARMSTRONG, A U.S. SENATOR FROM COLORADO

Senator ARMSTRONG. Thank you, Mr. Chairman.

I am very grateful for the interest which you have shown in this problem which frankly is just critical in my own State of Colorado and in many areas of the arid West. And I will, if it is agreeable, submit not only a written statement, but also a section-by-section analysis of the bill which we have proposed and which I am here to advocate on behalf of not only myself, but about 25 other of our colleagues who have in the last year or 18 months expressed interest in this and who now join me in sponsoring S. 663.[1]

Senator JEPSEN. Including me.

Senator ARMSTRONG. Yes, indeed, Mr. Chairman.

I was just coming to that because we feel that the interest that you have shown, not only in convening this hearing, but the interest which you demonstrated last year, has been critical in enlisting the support of the administration, which we believe is now prepared to support this bill, and of the outside groups, the farm organizations, the environmental groups, and the others, for whom we think this is a bill that is terribly important.

Mr. Chairman, rather than take a great deal of time to discuss the nature of the wind erosion problem, which I think is familiar certainly to you and to other members of the committee, and perhaps to a great many people, I have simply asked my staff to put in the committee room some graphic illustrations of problems that are occurring, and are just obvious in some areas—one, for example, under the alarming caption, "Dust Bowl in the Making," is a photograph taken recently in Adams County, Colo., and it is fairly typical of the kind of problem that can develop if highly erodible land is unwisely cultivated and then the wind starts to blow.

It not only wrecks the land that has been plowed up, but in many cases brings really just a devastating impact to the adjacent land. Of course, the dust, once it starts to blow, does not just blow around on the property of the person who has done the plowing.

So the theory of this bill—and I do not want to claim too much—is not to stop all erosion, much as we might like to do so, but simply to get the Federal Government out of the business of encouraging people to plow up land which would be better left in native sod. There are a couple of reasons for it: First, because we think this is an unwise conservation practice; and second, that in any case, we do not wish to say to any farmer or to any property owner what they can do on their land; that is purely a private decision up to them. But at least we do not want the Government to be in a position of tempting farmers with Federal subsidies to do something which we think is so unwise, particularly in light of the fact that once the land starts to blow, in a very brief period of time, the topsoil that can take 100 years or more to replace can blow away.

So we think that this is not only something that impacts the agricultural economy, the environment today, but which will have ramifications down through many, many years.

As to the dimension of the problem, I think the committee is well aware that there are about 40 million acres of this fragile grassland already under cultivation and another 250 million acres

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[1] See p. 43 for the prepared statement of Senator Armstrong and p. 101 for the section-by-section analysis.

that might be subject to cultivation if some disincentives are not built into our system.

The exact areas where this occurs is spelled out in my written statement and also in the section-by-section analysis of the bill, and so rather than take more time to discuss the details of it, which I think are quite familiar to the committee from last year's consideration, I would just like to submit my statement for the record.

I would point out that the bill is similar though not identical to language that was adopted by the Senate last year on a vote of 69 to 29 as an amendment on the appropriation bill. That, you will recall, was dropped out by the appropriations conference. We think that if the Senate will send a separate bill in the form that might be recommended by this committee, that there is every chance that the House would act on it this year.

Were the Senate to do so, it would be following the wishes of some of the most distinguished organizations in the country that concern themselves with these issues: the American Farm Bureau, the National Association of Conservation Districts, the American Wilderness Alliance, the National Governors' Association, the Soil Conservation Society of America, the American Farmland Trust, the National Farmer's Union, the National Resources Defense Council, the Society for Range Management, the National Audubon Society, and a number of important and thoughtful and well informed State organizations, including the North Dakota Wildlife Society, the Rocky Mountain Farmer's Union, the Colorado Audubon Council, the Colorado State Soil Conservation Board, Trout Unlimited in Colorado, the Colorado State Grange, the Colorado Farm Bureau, the Colorado Cattlemen, the Centennial Soil Conservation District, Colorado Department of Agriculture, the League of Women Voters of Colorado, the Potato Growers Exchange, the High Country Citizens Alliance, Pike's Peak Cattlemen's Association, and the Eagle County Soil Conservation District.

Now, I would also like to submit for the record in conclusion, Mr. Chairman, a statement by the Colorado Cattlemen's Association, which has adopted a resolution in support of this measure, and which brings to the attention of this committee matters which I believe would appropriately be a part of the record.[2]

Senator JEPSEN. It will be entered in the record.

Senator ARMSTRONG. Mr. Chairman, I thank you and your staff for the opportunity to be here, and again I just want to express my own sense of urgency about this matter and my appreciation to you forwarding the cause. I am summoned to go meet with my colleagues on the Budget Committee for a caucus, which if it is on schedule, which I doubt, has already begun; so unless there is any way I can be of assistance, I am going to excuse myself.

Senator JEPSEN. Could you just for the record—and members of the panel that are coming up here, tell us briefly how does this proposal differ from your last proposal?

Senator ARMSTRONG. Well, the proposal which we originally introduced and on which I think a hearing was held in this committee a year ago lacked, in some respects, definition.

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[2] See p. 90.

My original thought was that since the problem is mostly out West that we would draw a bill which applied only west of the 100th meridian. And on the advice of a number of organizations, particularly the American Farm Bureau, we realized that that was not a wise provision, and so we have drawn a bill that applies nationwide, but applies only to those lands that are already classified as fragile grasslands.

In other words, we are not seeking to establish new classifications, but only to use existing classifications under the law. I would have to turn to the section-by-section analysis to cite some of the technical changes that have been made, but I think they are changes which are improvements in draftsmanship, and to clarify our intent, which is only to withhold Federal subsidies and not in any sense dictate to any private landowner how they might use their land.

These changes have been made after consultation not only with farm organizations, but extensive consultation with the USDA, which has been very helpful in formulating that language.

Senator JEPSEN. Well, Senator, I wish to commend you. You have done a superb job, not only in putting together this legislation, but in obtaining consensus among the conservation interest groups and the Department of Agriculture. After you read that list, I was going through my mind. It would be easier if you could state what organization opposes it.

Senator ARMSTRONG. I am hoping that there will not be any such list. That remains to be seen, of course, but we really are pleased by that aspect of it. And while I do not want to overstate what this bill can accomplish if we enact it, I do think it is a very significant step because it points us in the direction of conservation, and it even has some minor budgetary impact, although that is not the reason for my bringing the bill forward.

But so far as I can tell, there is no reason for anybody to seriously object to this legislation.

Senator JEPSEN. Well, being the capable legislator that you are and the sensitive person that I know you to be, in addition to being creative and successful in business and all those other things, Senator, I know the fact that you——

Senator ARMSTRONG. I hope you will come out and say some of that to my constituents out in Colorado sometime.

Senator JEPSEN. Really, by building consensus, first, since we do derive our powers from the bottom up and our authority from the bottom up in this democracy of ours, that by building this broad consensus and then passing legislation, not only is that the effective way to legislate, but it also sends the signal and tells the American farmer that they are the primary focus. They are the primary focus of our efforts here in Congress.

And that, as such, we intend to pass responsible legislation specifically defined that accomplishes specific objectives.

I think your bill is certainly a living testimony to what that creative type of bill will bring about and presents to this group, and I will be looking forward to doing anything I can to perfect it where need be and to make sure that we indeed do pass it this year.

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Senator ARMSTRONG. Mr. Chairman, I would be very grateful for that. And, again, my thanks for this morning, for permitting me to come to this hearing.

Senator JEPSEN. Thank you. Now, work and take care of the budget.

Senator ARMSTRONG. I am less certain of being able to reach a consensus on that. Thank you very much, Senator.

Senator JEPSEN. All right. Our first panel will consist of Everett Rank, Administrator, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture; and Peter Myers, Chief, Soil Conservation Service, U.S. Department of Agriculture.

Do you want to move in here. Again, if you have any written statements, they will be entered into the record.[3]

And you may now proceed in any manner for whatever length of time you desire.

STATEMENTS OF EVERETT RANK, ADMINISTRATOR, AGRICULTURAL ABILIZATION AND CONSERVATION SERVICE AND PETER C. MYERS, CHIEF, SOIL CONSERVATION SERVICE, U.S. DEPARTMENT OF AGRICULTURE

Mr. MYERS. Thank you, Mr. Chairman.

I am Peter Myers, Chief of the Soil Conservation Service. Mr. Everett Rank, to my right, is Administrator of ASCS. He will have some comments later.

We are here to present the views of the Department on Senate bill 663. The Department of Agriculture and the Secretary support Senate bill 663 introduced by Senator Armstrong. We note that the bill is sponsored by 19 other Senators, including 5 members of this committee.

You and Senator Armstrong have reiterated the provisions of the bill. I am not going to go into that. We do believe, as does the Department of Agriculture, that farmers and ranchers should determine what commodities they produce on their land and where they produce them.

However, the programs named in Senate bill 663 may, in certain instances, operate to encourage farm operators to start annual tillage on lands that are generally unsuitable to being tilled because the soil is highly prone to wind and water erosion.

The Department does not intend that its programs become incentives for the unwise use of land. One of the questions raised about this bill that I have become aware of concerns the land capability classes which we have already defined in SCS. We have a bulletin titled "Land Capability Classification," which describes classes IVe, VIe, VII, and VIII which are the ones named in the bill. I will not go into those definitions.

Senator JEPSEN. If I may interrupt, since we are talking about the highly erodible land—and that has kind of been spelled out from the very beginning—how does the Department define "highly erodible land"?

Mr. MYERS. By the classification "e"—in other words, IVe would be land basically unsuitable for annual crop production. In most

[3] See p. 50 for the joint prepared statement of Mr. Myers and Mr. Rank.

cases, the "e" would indicate that it is erodible. The same thing with VIe; that is, "e" indicates erodible. Class VIe land is probably only suitable for range and pasture.

When you get to VII and VIII, that is land that is probably suitable for basically recreation and forest land.

Senator JEPSEN. Well, does the term highly erodible lands include lands other than those that have been addressed in this bill?

Mr. MYERS. There could be some land in classifications IIe and IIIe that would be erodible, but it would not be considered highly erodible.

Senator JEPSEN. Well, the term "land capability class" is easily understood by Department personnel.

Mr. MYERS. Right.

Senator JEPSEN. Do you think that farmers understand what this term means?

Mr. MYERS. I think it is fairly easily explained. Let me, for instance, read class IV: "Soils in class IV have severe limitations that restrict the choice of plants; require very careful management or both."

And under the "e" classification, it goes on to say "Subclass 'e' is made up of soils where susceptibility to erosion is the dominant problem or hazard." And I think farmers could understand that language. This is basically written in laymen's terms, and I think it could be understood.

I do have my written statement that I will present for the record, as you mentioned.

I would like to emphasize in conclusion of my formal statement that this bill will not necessarily prevent all unwise plow-outs on land because we think that the farmers and ranchers in America should have the option to do as they see fit with their land. But it should not be subsidized by programs of the Department of Agriculture.

This bill will restrict USDA farm programs to the point that they do not play a part in encouraging excessive wind and water erosion on our Nation's most fragile soils.

I will be pleased to answer questions or you can have Mr. Rank's presentation.

Senator JEPSEN. I am glad you made that point very clear. Always in pursuing this type of legislation, we must be very careful that we do not dictate or in any way come down topside and say that this is what you can or cannot do with your land. And that is not what we are doing in this bill.

But we are saying that we are not going to contribute; if you decide to put highly erodible land, and to be specific, land, among other things, that has not been worked for 10 years or more——

Mr. MYERS. Right.

Senator JEPSEN. And take and put it into cultivation or to the plow, the Government in any of its programs is not going to contribute to that.

Mr. MYERS. That is exactly the intent.

Senator JEPSEN. Of course, the history of this being, a lot of it being from the outside absentee ownership of investors coming in and buying up large quantities of land that is considered—would be considered by those who farm for a living to be very poor type soil;

and, in fact, then breaking it up to take advantage of the financial aid from Government programs.

Mr. MYERS. I personally have seen land in Texas and the Dakotas that is in this situation—that has been broken out, that if we have the right conditions, we are ready to have another serious Dust Bowl situation in those areas.

Senator JEPSEN. Everett.

Mr. RANK. Thank you, Mr. Chairman.

I am glad to be here today to support Senate bill 663. This bill will encourage farmers to avoid cultivation of highly erosive soils, which is a worthy objective. The success of this bill in achieving its objectives will depend on the ability and the cooperation that involves USDA agencies to develop appropriate, reasonable guidelines.

Farming practices, climate, soils, and topography of the farms affected by the provisions of S. 663 will vary tremendously across the nation. Therefore, it will be necessary to allow each local area that is affected to provide substantial input into the development and interpretation of the guidelines and requirements developed under the authority of this bill.

Fortunately, the Department has several ways to secure the necessary local input. One way is through the ASCS county committees and local SCS or local conservation district offices. ASCS and SCS work closely together at the county level to determine program eligibility and compliance for a wide range of commodity and conservation programs.

Over the years, our two agencies have developed decisions and a management process which smoothly and efficiently address soil and water conservation problems.

Development and implementation of Senate bill 663 by these same processes will be a logical extension of our successful tradition.

Thank you, Mr. Chairman.

Senator JEPSEN. I thank you. This bill does define highly erodible land as land that has been classified by the SCS; now, does this mean that lands that have not been classified but that are highly erodible will not be affected by this bill?

Mr. MYERS. No. As I understand it, Senator, where we do not have a soil survey we will have the capability with our soil scientists to classify this land. We have soil surveys on about 80 percent of the land.

Senator JEPSEN. In section C, line 15 of the bill, how does the Department define "crop year" as used in that section. It is section C, line 15, crop year.

Mr. MYERS. It is the beginning of the normal crop year for the commodity would be my presumption, Senator. But we could find that out and enter it officially for the record.

Senator JEPSEN. All right.

And following that up, how does the Department define "agriculture commodities" as specified in the bill? I mean, would it be fair to list the commodities included in the bill or to define those commodities excluded by the bill?

Mr. MYERS. There, again, we would probably want to answer that for the record to be certain.[4]

Senator JEPSEN. If you would, please.

Then another area, how much will the implementation of this program cost? Do you have an estimate?

Mr. MYERS. No, I do not have an estimate, but we can also provide that for the record.[4]

Senator JEPSEN. Fine.

What other agencies, other than SCS and ASCS, do you see that will be involved in the administration of this?

Mr. MYERS. Well, obviously, FmHA would be involved since we are talking about farm loans.

Do you have any other ideas?

Mr. RANK. Yes. I think certainly Federal Crop Insurance, FmHA, Extension Service; all agencies in the Department of Agriculture would be involved in implementation of this bill, either through educational processes or limits they would have placed on them by not being able to use Federal funds on that land with the restrictions placed on it.

Senator JEPSEN. Well, will there be conflicts between any of the agencies' objectives if they have to implement this program according to SCS guidelines?

Mr. MYERS. I do not see any conflicts.

Mr. RANK. Mr. Chairman, on the commodities side, as far as operations, we do not see any conflict arising from the implementation of this bill if other agencies might have different goals because I think our goals are all the same and in accord with this bill.

Senator JEPSEN. Now, on the soil survey we get into this area again of making sure that the farmowner, the landowner has all due process and has every avenue available to make sure that his story is told, so to speak. The land is classified now at the local level. That is correct. Let us walk through this.

Mr. MYERS. Yes. Most counties have a soil survey applicable specifically to land in that county or district.

Senator JEPSEN. Now, so if the land is classified as highly erodible, as defined in the bill, then a farmer could lose access to the USDA price and income support and other agricultural programs, as provided by this bill.

Mr. MYERS. That is right, if the land had not been farmed in the years specified in the bill.

Senator JEPSEN. Now, supposing that the farmer felt this was unfair, would it be appropriate to provide an appeal from this local determination to the Department? Would you have objection to that?

Mr. RANK. Mr. Chairman, I think any programs we operate, we ought to offer the farmer the right to appeal in a certain process, and certainly in this program we would set up an appeal process to appeal any decision that might be made that would affect him.

Senator JEPSEN. Do you have in place now some procedure, mechanically or agencywise that would be readily available and already in place for this type of appeal or action?

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[4] See p. 11 for answers to the above questions.

Mr. RANK. Yes. As an example, in our ACP program, we cost share with the farmers and SCS does the technical work for ASCS; the farmer can appeal to the county ASC committee on a decision made by either SCS or ourselves on whether or not a farmer may be able to receive cost shares.

We would use that as a guideline in setting up an appeal basis for this bill.

Senator JEPSEN. Can you give me an update on the status of the soil surveys that are necessary for classifying land for the purposes of this bill? Are they current and in-house and on file?

Mr. MYERS. They are current on about 80 percent of the agricultural land.

Senator JEPSEN. Would there be a timelag in implementing this bill if the soil surveys on that other 20 percent are not complete where there is land involved that was not surveyed?

Mr. MYERS. I do not think there would be a timelag over 1 week.

Senator JEPSEN. All right. That was my next question. How long would it be? And you answered 1 week.

Mr. MYERS. Because we have soil scientists on most of our area staffs that could come out.

Senator JEPSEN. Well, as the Department continues the soil survey processes, is there a priority system which you could direct surveys to these lands when this materializes, if and when this materializes—if you find there is, could you shift that, and as you say, move and get action in a short time, a week or two?

Mr. MYERS. We could not do a complete soil survey in a week or two, but we could put the people out there that are soil scientists—they are technical experts that could classify the specific land in question. A soil survey for publication takes much longer than that.

Senator JEPSEN. Do you have any further comments for the record?

Mr. MYERS. I would like to just say that Mr. Rank and I are in agreement on this, and so is the Secretary in favor of this bill.

Mr. RANK. I would like to say, Senator, this certainly moves us in the right direction. Your comments and Senator Armstrong's comments are well taken, and we will make every effort to insure that the intent of this bill is carried out. And we will be working together with other agencies in the Department of Agriculture who are also concerned about the treatment of our fragile lands of this Nation.

Senator JEPSEN. Well, thank you. And I am pleased that you basically have the facilities, the structure in place to handle a lot of the contingencies or questions that we have here by way of absence of soil surveys. Of course, it is a mechanical, I would expect, procedural process to determine how you would classify land according to the soil type. You can have in any one area, as you know, depending on the slope, you can have different types of soils. And I am sure you have procedures on the basis of the 85 percent of the soil surveys you have taken to determine that.

And the recourse for the individual farmowner, landowner that they would have if they should not agree with this classification is pretty much in place and available.

Mr. MYERS. Right.

Senator JEPSEN. And the only other Department that would have any primary impact on this, as you say, is FmHA.

Mr. MYERS. Well, it would be also Federal Crop——

Mr. RANK. Federal Crop Insurance would be involved.

Senator JEPSEN. Federal Crop Insurance.

Mr. MYERS. Yes. And Extension would be involved indirectly in educating the farmers about the act and the land classification system.

Senator JEPSEN. I do thank you, both of you, and look forward to working with you, and I thank you again for your testimony.

[The following was subsequently received by the committee:]

U.S. DEPARTMENT OF AGRICULTURE,
SOIL CONSERVATION SERVICE,
Washington, D.C.

Hon. JESSE HELMS,
Chairman, Committee on Agriculture, Nutrition, and Forestry, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Thank you for providing us the opportunity to respond further to questions concerning the bill S. 663. Our answers are enclosed. We are also enclosing, at the request of committee staff, some information concerning the extent and location of lands potentially impacted by the bill.

We are pleased that your committee is giving this legislation prompt attention and offer any further assistance we may provide.

Sincerely,

PETER MYERS.

Enclosures.

Question 1. "Highly erodible land", as defined by S. 663, is land classified as class IVe, VIe, VII, or VIII according to the Land Capability Classification System. Explain these classifications in regard to soil type and slope.

Answer. The land capability classification is one of a number of soil interpretations made for agricultural purposes. As with all soil interpretations, the capability classification is based on the individual soil map units (soil type and slope), which are the building stones of the system. Each soil map unit identified on soil surveys in the U.S. has been grouped into one of eight capability classes.

Soils in subclass IVe have very severe limitations when used for cultivated crops. They are sloping and they are highly susceptible to erosion and may have past erosion damage. Soils in subclass VIe and classes VII and VIII are generally not suited to cultivation because of steep slopes or other soil problems.

Question 2. Who makes the determination that land falls into a particular classification and what criteria is used in making this determination?

Answer. Field soil scientists, as they make soil surveys and identify new map units, classify the map units in the capability classifications system. Soil scientists on State and National Technical Center staffs review the classifications and ensure they are coordinated within and between states. National criteria in Agricultural Handbook No. 210 (enclosed) are used to make the determination.

Question 3. S. 663 would classify a field according to its "predominant" classification. Explain how the Department will determine which classification is predominant in a field.

Answer. SCS personnel will determine the proportions of USDA land capability classes for areas designated for possible cultivation and would determine predominant land class. The proportions will be measured from a soil map or determined in the field by field personnel.

We anticipate regulations that would permit inclusion of small areas of class IVe–VIII in a cultivated area that are consistent with normally accepted farming practices in the local area.

Question 4. Would S. 663 prohibit participation in production incentive programs for an entire farm, or for only those acres determined to be highly erodible?

Answer. We believe the prohibitions in the bill would apply to the entire farm and not just to commodities produced on highly erodible land. We would not be in favor of limiting the bill to commodities produced only on highly erodible land. This would be nearly impossible to administer because it would require, for example, a determination whether a storage facility would be used to store commodities produced on highly erodible land or on other land.

Question 5. Define agricultural commodity as used in the bill. Would this definition include orchards or vineyard where a farmer cultivates the land annually to control weeds?

Answer. Vineyards and orchards are not covered by this bill. Only an agricultural product that is *planted* each year would be within the definition of "agricultural commodity" in the bill. Cultivation of a perennial crop to control weeds would not be affected by enactment of this bill.

Question 6. Define "crop year" as used in subsection (c).

Answer. For the major commodities we would use the marketing year as defined in statute, as the crop year (7 CFR 713.3).

The period beginning in the current year and ending the next year as follows:

(a) Upland Cotton and Rice—August 1 through July 31.

(b) Corn and Grain Sorghum—October 1 through September 30.

(c) Wheat, Barley, and Oats—June 1 through May 31.

(d) Soybeans—September 1 through August 31.

While few specialty crops are likely to be planted on highly erodible soil, regulations would be promulgated setting forth a "crop year" for each commodity based on the same criteria as "marketing year" for major crops.

Question 7. Are there lands classified as IIe and IIIe that are considered highly erodible? If so, explain the effects of including these classifications in the definition of "highly erodible land" for purposes of implementing S. 663.

Answer. There are lands classified as IIe, IIIe, and others which, under certain conditions and uses, can suffer severe erosion. The land capability classification system does not predict soil losses. It does give an indication of the primary hazards and limitations a soil would have when used for agriculture. Generally speaking, classes IIe and IIIe lands are suited for use as cropland and the erosion hazards can be overcome with good management and conservation practices. Soils in the capability classes covered by S. 663 have more severe erosion hazards and limitations than those in IIe and IIIe. They are generally unsuited to frequent or regular cultivation. We recognize that certain lands in classes IIe, IIIe, and perhaps others may be converted to cropland and that poor management may result in high rates of erosion. However, since these lands are generally suited for use as cropland, we believe they should not be included in the legislation.

Question 8. S. 663 would change the thrust and mission of the Soil Conversation Service from an information and advisory agency to a regulatory agency. How do you view this?

Answer. We do not believe enactment of S. 663 would change the basic mission and method of operation of SCS. The SCS would not become a regulatory agency. The agencies administering the programs named in the bill would retain the responsibility to ensure that provisions of law and regulation are adhered to. The SCS has for years provided technical information on soils and conservation to state and local agencies involved in administration of their laws and regulations. At the Federal level, SCS provides soil information pursuant to administration of the Surface Mining Control Act of 1977, the National Environmental Policy Act, and others.

Question 9. Is there a procedure for an appeal from a land classification determination if a farmer believes that his land has been inaccurately classified?

Answer. Though there is no formal procedure for an appeal from a land classification determination if a farmer believes his land has been inaccurately classified, an appeal of this nature can be made through the SCS field office responsible for providing the farmer with technical assistance.

Question 10. What criteria will the Secretary use in determining that a loan available from the Farmers Home Administration will be used for a purpose which will contribute to excessive erosion of highly erodible land?

Answer. Specific criteria would be developed as a part of the process of promulgating the regulations necessary for administering the act. As we have indicated before, we intend to use producer certification to administer this legislation. Under that concept some means would be devised for the loan applicant to certify whether the loan would be used to cultivate new land defined as highly erodible. We would then use a spot check procedure to verify the producer certification.

Question 11. Land must be classified according to the Land Capability Classification system to be included in the definition of "highly erodible land". Will lands unclassified at the time of enactment of S. 663 be included in this definition as they are classified?

Answer. It is our intent that all lands that have the characteristics of land capability classes IVe, VIe, VII, and VIII and that have not been cropped since 1973 be included. This would include lands that have not actually been classified yet. We have made a commitment that, when a producer certifies to the program agency

that he/she intends to crop new land, and the agency cannot determine the capability class from existing information, the SCS will determine the capability class. This will be done promptly by a properly trained person and the agency administering the program will be notified of the results.

Senator JEPSEN. At this time I would like to welcome Bruce Hawley of the American Farm Bureau Federation; and, John Stencel from the National Farmers Union.

Again, I would welcome you gentlemen and advise you that your written testimony will be entered into the record.

And with that, you may proceed in any manner for any length of time you so desire.

Bruce, do you want to start?

STATEMENT OF BRUCE HAWLEY, ASSISTANT DIRECTOR, WASHINGTON OFFICE, AMERICAN FARM BUREAU FEDERATION

Mr. HAWLEY. Thank you, Senator, and good morning.[5]

Within the past few weeks across the country, there have been numerous examples of unseasonably high rainfall, causing natural resource problems, soil erosion, flooding, and other difficulties in many of our major and important agricultural areas.

We cannot do anything about that. But there is something that we can do about the somewhat unique conditions of highly fragile grasslands that are being put under the plow, partly in response to artificial Government incentives that are encouraging production in those areas.

We are pleased that Senator Armstrong has reintroduced this bill again this year and that there are so many Senators that cosponsored at the time of introduction, including yourself. At our most recent annual meeting in January 1983, the voting delegates of the Farm Bureau adopted the following policy:

> We oppose economic incentives to artificially stimulate producers to bring fragile lands under cultivation. Fragile grasslands are defined as those lands highly subject to wind and water erosion that have a projected erosion rate in excess of 5 tons per acre in the absence of soil conservation practices.

S. 663 introduced by Senator Armstrong and 20 others on January 23 is, in our opinion, responsible legislation that will address this serious national problem.

The Farm Bureau supports this bill and urges its passage. We would like to suggest to minor modifications to the legislation as proposed. We think it might be helpful to make a clarification in the definition of highly erodible land to make sure that the bill's primary focus is on grasslands. These lands, because of their unique characteristics, are highly subject to both wind and water erosion, and particularly in need of protection afforded by this bill. In some areas of the country—and this is particularly in the Southeast—there are forested lands that might inadvertently be included under the terms of this bill as it now stands, in a manner that would interfere with normal forestry activities of reseeding and good forestry practices.

We recognize that it is not the intention of this bill to include that kind of timbering activity.

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[5] See p. 54 for the prepared statement of Mr. Hawley.

Second, we would suggest a modification of the language in subsection C(1). That modification we would hope would make clear that the reference in that subsection is to any land upon which an agricultural commodity was planted during the 1973 through 1982 crop years.

The language, as currently drafted, appears to refer only to the commodity and not to the utlization of the land in question. We would, however, encourage retention of the 10-year period, but to make clear that land currently in production of long term rotational crops, such as irrigated alfalfa, is not intended for inclusion in the bill.

With these two minor modifications, we very strongly support the bill and urge its passage.

Thank you.

Senator JEPSEN. Thank you.

Mr. Stencel.

STATEMENT OF JOHN STENCEL, PRESIDENT, ROCKY MOUNTAIN FARMERS UNION, ON BEHALF OF THE NATIONAL FARMERS UNION

Mr. STENCEL. Senator Jepsen, I again appreciate the opportunity to be before this committee. I was here last year. I would like to read into the record a part of my statement, if I may.

Senator JEPSEN. You bet.

Mr. STENCEL. I welcome this opportunity to testify before your committee on behalf of both the Rocky Mountain Farmers Union and the National Farmers Union.

We believe that there are many interwoven issues of sodbusting and soil erosion. They have no greater impact than upon the rolling plains of eastern Colorado and the sandhills of western Nebraska.

The U.S. Department of Agriculture estimates that 4.7 million acres of highly erodible cropland have already been plowed in Colorado, while 3.7 million acres of sod have been broken in Nebraska. Unless immediate legislative steps are taken to halt this trend, a potential 32 million additional acres of grassland could fall under the plow in these two States during the next few years.

I have an attachment which shows the number of acres that could move into this category.

[The material follows:]

HIGHLY ERODIBLE CROPLAND IN THE UNITED STATES (CLASSES 4e, 6e, 7, AND 8)

[Thousand acres]

State	Already plowed acres [1]	Potential new acres
Alabama	379	5,548
Arkansas	93	4,200
Arizona	36	10,706
California	1,100	11,755
Connecticut	22	13
Colorado	4,732	16,133
Delaware	13	0
Florida	161	156
Georgia	367	5,600

HIGHLY ERODIBLE CROPLAND IN THE UNITED STATES (CLASSES 4e, 6e, 7, AND 8)—Continued

[Thousand acres]

State	Already plowed acres [1]	Potential new acres
Hawaii	14	378
Iowa	1,722	1,687
Idaho	1,123	3,563
Illinois	1,267	1,873
Indiana	683	1,542
Kansas	2,872	9,002
Kentucky	824	4,126
Louisiana	0	2,259
Massachusetts	7	11
Maryland	181	411
Maine	54	293
Michigan	421	1,022
Minnesota	559	1,431
Mississippi	602	3,550
Missouri	1,099	3,032
Montana	1,743	20,984
Nebraska	3,745	16,089
Nevada	94	372
New Hampshire	20	90
New Jersey	59	77
New Mexico	567	14,999
New York	459	1,946
North Carolina	339	3,480
North Dakota	1,833	4,171
Ohio	606	3,132
Oklahoma	1,652	10,721
Oregon	552	9,061
Pennsylvania	780	2,155
Puerto Rico	130	262
South Carolina	106	1,447
South Dakota	1,696	10,222
Tennessee	748	4,168
Texas	2,573	25,078
Utah	265	1,861
Vermont	109	732
Virginia	481	3,854
Washington	1,432	6,480
Wisconsin	1,387	3,049
West Virginia	285	2,609
Wyoming	812	13,077
Total	40,804	248,407

[1] Sodbuster bill does not affect these lands already under cultivation, but would affect lands in the second column.

Source: U.S. Department of Agriculture.

Mr. STENCEL. We feel the sodbuster legislation sponsored by Senator Armstrong is a prudent approach to the problem. As the members of this committee are well aware, the Farmers Union has been a traditional supporter of the farm program concept. Our organization is built upon the belief that Federal agricultural supply management programs are essential to the survival of the family farm system of agricultural production.

We are firmly committed to the concept that Federal programs should only be utilized by resident farm families and should not serve as a type of governmental insurance for land speculators who are attempting to turn quick profits by converting marginal grassland into crop usage.

Because of the participation in farm programs by land speculators today, the Federal Government is essentially helping to finance destructive farming practices that are destroying thousands of acres of marginal grassland and are setting the stage for Dust Bowl conditions across most of the Great Plains.

As the winds raked across northern Weld County, Colo., last spring, tons of fragile soil were lifted into the air, prompting this description in the Greeley Daily Tribune:

> The blowing dirt blotted out the Sun. The fence along the west side of the county road, what is left of it, is burried in a collection of weeds, topsoil, and sand. The adjoining field is largely bare, young plants sliced off at ground level by the biting sand.

The blowing soil described in that account came almost exclusively from acreage owned by several Canadian investors and one absentee custom farmer from Colorado. Until recently that soil had been protected from these high winds by a fragile layer of grass, much of which was planted with Federal dollars following the destructive winds of the thirties and the fifties.

But the question central to the sodbuster legislation remains: what role do Federal farm programs play in this trend?

Our staff last week contacted the Agricultural Stabilization and Conservation Service offices in three Colorado counties containing high percentages of foreign landownership to help answer this question. Specifically, we asked about the participation of these foreign investors in the acreage reduction program and the payment in kind farm program.

Naturally, many of the foreign owners could not participate because the land has been plowed out in the last 2 years, which has not allowed them to yet establish a base yield. But of those which had base yields established, all were participating in the Federal farm programs. Let us examine one of those participants. The Wild Horse Investment Co., operating 5,111 acres of wheat land in Cheyenne County, submitted a bid to enroll all of that wheat base in the PIK program with the Government compensating it with 94.799 percent of its established yield, 21 bushels per acre. That is only a fraction below the maximum allowable bid of 95 percent.

Next fall Wild Horse Investment Co. could pocket the equivalent of $297,000 based on its established yield, its bid, and the market price of about $3.65 per bushel. It is difficult to ascertain the ultimate beneficiaries of this $297,000, since the Wild Horse Investment Co. is described in the USDA Foreign Investment Disclosure Act report only as a Curacao-Netherlands Antilles corporation, with ownership split between two financial international advisors, corporations sharing the same address in Panama City. It was never the intent and should never be the intent of Federal farm programs to assist such absentee entities as the Wild Horse Investment Co. Sodbuster legislation would remove the Federal incentives for the breaking of our marginal grasslands.

We in the Farmers Union endorse this legislation as a strong step in the right direction for controlling absentee farm ownership in the plowing of marginal lands. The Farmers Union further feels that this body can only completely address this menace by considering other legislative initiatives, including a prohibition of foreign

and nonfamily corporate ownership of our farmlands, and a real increase in the farm program loan rates.

Those issues, however, are not germane to this hearing. I would be glad to provide further testimony at another time.

We, both in the National Farmers Union and the Rocky Mountain Farmers Union support Senate bill 663 and urge your immediate passage of that legislation. Thank you very much for the opportunity to appear before this committee.

Senator JEPSEN. Are you from Rocky Mount?

Mr. STENCEL. I live in Colorado, born and raised in Weld County, which I mentioned in the text, and presently live in Aurora, a suburb of Denver, as chief executive officer of the Rocky Mountain Farmers Union, which is a subdivision of the National Farmers Union.

Senator JEPSEN. Do you see any potential problems with this legislation, either one of you, at all, or potential problems that could develop because of this legislation?

Mr. STENCEL. I really think, Senator, that the administration of the program will be very important. And I think it depends on the rules and regulations that are put together for the county ASCS offices, and the Farmers Home Administration, and others, as to how they are to implement the program.

I would hope that the program would be implemented in a way that is the same across State lines so everyone is doing the same thing.

Senator JEPSEN. You talked a lot about absentee ownership, and we had in our hearings last year many examples that were presented. Is that still happening often or once in awhile, or at all?

Mr. STENCEL. I think once in awhile at the present time, but because land values have decreased in the last few months or several months, that there are not as many people, foreign investors investing in farmland for speculative purposes as there was a year ago.

But I need to add that in Colorado, some of the county commissioners, especially in Weld County, the State organization of county commissioners, along with almost all the farm organizations in the State, have taken this problem head on, and they have, I think, somewhat discouraged the movement and the amount of land that was being purchased by foreign owners by some of their actions that they have taken recently.

Mr. HAWLEY. We concur that it is not nearly as significantly an absentee landowner problem as it used to be. However, we think the problem will become worse among existing property owners in the future. As you look at the target price structure in the existing farm legislation, the target prices are scheduled to escalate, providing an enhanced incentive for agricultural production, particularly commodities like wheat and corn.

As those incentives are sweetened, the pressure on the farmer, coupled with the other economic pressures, is going to bring additional land into production to qualify for additional acreage in the programs if he may

Senator JEPSEN. You recommended changes and additions. Would you please elaborate on what you mean when you say that we

should clarify the definition of highly erodible land above and beyond what the USDA presently does.

What was your reasoning behind that?

Mr. HAWLEY. The existing definition does not take into account the current use pattern of the land. Lands that have erodible or other characteristics will be classified in those categories pretty much without regard to the current condition under which they are being utilized.

There are examples of what would be highly erodible land if it were placed in corn or beans that are not creating an excessive erosion problem in current management States. Timbering activities would be one that immediately comes to mind.

There is not an annual tilling, nor has there necessarily been any activity in the past 10 years in those kinds of activities that would qualify under the exclusion provision of this bill. That was the kind of thing that we had in our mind when we made that specific proposal.

Senator JEPSEN. Well, basically, do you agree with the terms and the definitions as defined by the USDA?

Mr. HAWLEY. Yes; we do. If it would not confuse matters to put in the phrase "fragile grasslands" as part of the definition, we think that would be helpful, but we do not think that is a critical change for the bill.

Senator JEPSEN. Why might it foul things up?

Mr. HAWLEY. We do not see that it would.

Senator JEPSEN. You are just saying you would like to have that included.

Mr. HAWLEY. If it would not create problems for the intent of the bill.

Senator JEPSEN. John, do you feel this bill could be improved in any way?

Mr. STENCEL. I just might offer one other suggestion. You were talking about highly erodible lands. Class III erodible lands in our area sometimes are problem lands as well. I understand why we included the classifications that we did, and I am not going to push the issue, but I think it is something that maybe the soil conservation districts and the USDA can help answer much more clearly than I; I personally have a question why class III erodible lands were not included.

It is something that we did not discuss in detail with Senator Armstrong's office, so I really cannot push the issue. But I do have that question.

Senator JEPSEN. One of the ribbons that we are kind of weaving into the fabric of getting some coordinated thought processes on conservation practices in this, that we are showing a concerted effort here to coordinate conservation programs with other agricultural programs in this instance. It should bode well for stabilizing prices and supply and getting some action on conservation practices in the future. This is one of the splendid signals that is being sent or pointing the way, so to speak.

Mr. HAWLEY. Within limits. There has been talk about cross-compliance in the past which is far beyond this concept, in our opinion. The existing crop management programs, the acreage reduction program, the PIK program, the other programs, are tenuous in

their ability to manage the production situation, at best, under existing circumstances.

Should we, instead of simply withholding incentives on fragile grasslands, as this bill proposes, go the extra mile and require conservation plans for all cropland as a precondition for eligibility for all farm programs, we think it would destroy that delicate fabric of the ASCS programs to manage agricultural supply, even within the context of the limited success they have had in the past.

Senator JEPSEN. Well, there are some persons who are considerably concerned that this is the first step requiring cross-compliance.

Mr. HAWLEY. We hope they are wrong.

Senator JEPSEN. Do you consider yourself one of them?

Mr. HAWLEY. Absolutely not. We do not believe that that was the intent of the bill. Senator Armstrong says it is not, and we certainly take him at his word. We, for one, intend to continue to be vigilant in our opposition against any comprehensive cross-compliance proposals that might be forthcoming in the future.

Senator JEPSEN. Are you totally opposed to putting conservation practices on the land as a requirement for participating in farm programs?

Mr. HAWLEY. The question is outside of the concept of this bill?

Senator JEPSEN. Yes.

Mr. HAWLEY. Yes; we are.

Senator JEPSEN. How about you?

Mr. STENCEL. I would have to say we are not; Senator, I think that there are times when you need to put the right incentives together in a package to make any supply management program work.

We have moved away from soil conservation practices as we knew them in the thirties and again in the fifties in our area. Farmers want to do a lot of these things. However, there has never been the right kinds of incentives or cost-sharing programs to do that. And I think because we have a lot of land that fits into this category, we have some real difficulty in making sure the land stays stable. We would like to see more programs for soil conservation efforts.

And if it were necessary in terms of cross-compliance with other parts of the program, we would have no qualms with that.

But I understand the intent. I need to add that I also understand the intent of Senator Armstrong in putting this legislation together.

Senator JEPSEN. Well, as chairman of the Soil Conservation Subcommittee, I am interested in your comment in many other areas.

Has the State of Colorado taken any action that may bear on the intent of this legislation, or is there any other of the Western States that you may know of?

Mr. STENCEL. None that I know of, Senator; however, as I mentioned or alluded to earlier, Weld County, because of home rule, has passed some very strict guidelines in terms of plowing out of fragile grasslands. And we are amending the dust blowing act in Colorado to give the county commissioners a little more clout in dealing with a problem, nothing that would prohibit this legislation from being effective.

Senator JEPSEN. County commissioners—do you mean the ASCS or the SCS?

Mr. STENCEL. No, I am talking about——

Senator JEPSEN. The county government?

Mr. STENCEL. Yes. County government. In many States they call them county supervisors. In Colorado we call them county commissioners.

Senator JEPSEN. Do they work in this area closely with the SCS or the USDA people?

Mr. STENCEL. Yes, they have been over the last several years since this problem has become so relevant. And we have had on the books a number of years what is known as the Dust Blowing Act. It was amended last year, and it is being amended again this year in the State legislature to give those county supervisors, the commissioners, a little more clout in dealing with the problem. For instance, if the wind blows very hard and soil covers a neighbor's fence, the county supervisors can go out, if they ask the farmer or rancher to clean it out, that created the problem. If he does not do it, they will do it and charge him for the cost.

Senator JEPSEN. They can go do it and charge him for it; just like we have some rules in Iowa where if weeds are not mowed, they can mow them and charge them. You have that law for the blowing of dust.

Mr. STENCEL. That is right.

Senator JEPSEN. What about water?

Mr. STENCEL. Water erosion problems?

Senator JEPSEN. Yes. Do you have the same kinds of rules for that?

Mr. STENCEL. Not exactly the same, no.

Senator JEPSEN. You just have some additional power and authority for wind.

Mr. STENCEL. Yes.

Mr. HAWLEY. Illinois has a statute that went into effect the first of this year that creates regulatory authority for conservation districts if there is a complaint filed under the heading soil erosion on a farmer's land that is impacting on his neighbors. The conservation district has the authority to come in and, in consultation, either cause the offending farmer to correct the problem, and if he will not, they have authority to correct the problem for him, and he will be billed for the services.

Senator JEPSEN. How is that wind—what was the title you gave to it, the wind——

Mr. STENCEL. Dust Blowing Act.

Senator JEPSEN. Dust Blowing Act. How has that been working?

Mr. STENCEL. I think, as it was originally passed, there was some difficulty because the county supervisors, the commissioners were somewhat reticent about using their authority because they felt perhaps it was not placed in the right way, given to them in the right way.

So we are going back and amending it this year. The county commissioners are the ones who helped develop the legislation, the amendment, and many of the organizations, like I said, are supporting it. And I think it will be very effective once that is done because the Weld County Commissioners have already moved to do

that kind of thing. And the other counties want to do the same thing, but they do not have home rule, so they have to have State legislation.

Senator JEPSEN. What was the objection? Did you feel, for example, these commissioners, once they had this authority, would just as soon somebody else had it since they were going to have to go out and lay some of this on their neighbors?

Mr. STENCEL. That is what caused the real problem, and I think that is why they were somewhat reticent in moving forward and dealing with the problem because they were having to deal with neighbors at times. But in this instance, the one I was referring to in Weld County, there was foreign ownership of the land. So they came down very hard.

Senator JEPSEN. They did not hesitate in that one.

Mr. STENCEL. They did not hesitate at all. But now it is going to affect everyone. And so we are moving forward to deal with the problem statewide.

Senator JEPSEN. On the basis of what happened there, do you have any recommendations, because I can see this type of thing being debated, at least, and being proposed for water, as well as wind erosion. I continually hear at hearings I have had in Iowa where somebody says, well, I, you know, I do mine, and I pay for it. But doggone it, up the road a ways my neighbor does not do anything and it comes down and ruins everything I have done.

And how do you get at that? Now, this is an attempt to get at that. You say you put it on a local basis and local control and your local people got it, and they helped work it out. And once they got it, they were not sure they wanted it.

Mr. STENCEL. Yes. That is what happened originally, but I think now, because the problem had become so severe, the county commissioners as an organization in the State of Colorado have decided that they do want to have this power, this authority. And they are very much supportive of moving forward with the legislation. I can see this—we have this same problem that you are talking about with weeds, noxious weed seed flowing downstream and creating a problem.

No one ever wants to deal with the problem because they say it is not their problem. I see as time goes by—perhaps you were talking about water erosion, that there would be noxious weed control or other items; we will see more of that take place, I think, on the county level, at the local level, local control, a situation creating more weed districts, maybe more soil conservation and water erosion districts, whatever it might be.

Senator JEPSEN. Is that not kind of a back door, mandatory approach to things if they do not apply proper conservation practices and the fact that it is infriging on their neighbor; under the powers you now have in this particular case, you could go in and you could remedy it, as I understand, and then you could charge them for it. That is getting pretty close to mandating, is it not?

Mr. STENCEL. Yes, it is. But we cannot continue to allow the thousands of acres in the State of Colorado to erode at the rate they have been blowing. And everyone feels that this is the measure that is going to curtail the problem. And so they are very much in support of it.

Senator JEPSEN. Well, I do thank you. This is kind of outside this bill, but it is all related. The knee bone is connected to the thigh bone; the thigh bone is connected to the hip bone. In fact, coordinated conservation activity and practice, I think, is the only way we are going to get on a prolonged and effective basis for conservation practices throughout this country that are going to be meaningful and are going to get at the problem. And this area of authority and this whole area of mandatory versus voluntary, of local versus Federal—and the State may be in between—is an area where once we center responsibilities and the people that they are centered on are the body agencies that have the authority, then we want to make sure as we do this that indeed they will follow through on them.

And those who are super-critics, as I am sure some of—we all are at some time or another—but in this case I would bet some of those commissioners, when they put this law together, were doing so with some gusto. But once they got handed the authority and said, now, you go out and enforce it, that it became a little different story.

Mr. STENCEL. That is exactly right.

Mr. HAWLEY. We are not concerned about placing that power at the local level, Senator.

Senator JEPSEN. I see.

Mr. HAWLEY. As local soil erosion problems become perceived at the local level as a problem as in the pictures that we have behind you, problems of that magnitude can be identified and recognized; it becomes politically expedient for the county commissioner or for the county soil and water conservation district officials, to exercise the authority that they have been given in response to a public opinion that says this kind of a situation is not tolerable.

Senator JEPSEN. I see. That is what you call complement.

Mr. HAWLEY. Absolutely.

Senator JEPSEN. On a local basis.

Mr. STENCEL. Senator, I just wanted to ask a quick question. In Iowa is there not soil conservation programs and incentives similar to what I was—maybe they are not mandatory programs. But I understand Iowa has a much better——

Senator JEPSEN. Iowa has taken the lead in a lot of these to put some teeth in this. We point to them as we move around, and as we have hearings this year we want to examine all of the various programs from all the States that are working to see if we cannot glean the best of all those and see if we can develop some recommendations and get the job done.

Do you have anything else you want to add in closing?

Mr. STENCEL. No, I do not.

Senator JEPSEN. I do thank you for your excellent testimony and for our exchange of ideas; it has been very helpful for this committee.

And please do not hesitate to pump them in to us as you see things that would be of value in this. We welcome it. We solicit it. We invite it and ask that you do it.

Mr. STENCEL. Thank you.

Mr. HAWLEY. Thank you.

Senator JEPSEN. Thank you. The very distinguished Senator I understand is here, Senator Boren. And you will be introducing the gentleman from the National Association of Conservation Districts, as I understand it.

At this time I would call Ervin Mitchell, National Association of Conservation Districts; and Norman Berg will be testifying on behalf of the Soil Conservation Society of America and the American Farmland Trust.

Welcome.

STATEMENT OF HON. DAVID BOREN, A U.S. SENATOR FROM OKLAHOMA

Senator BOREN. Mr. Chairman, it certainly gives me a great deal of pleasure to be able to introduce to you a member of this panel who will be testifying on behalf of the National Association of Conservation Districts, Ervin Mitchell from Oklahoma, who is president of our State association. He has been very, very active in that association. He has been on the board for 6 years.

He has been a cooperator; he has had his own plan for conservation for his own land now for 32 years. He is a person who has not only shown leadership in the agricultural community and in the cause of conservation in Oklahoma, he is a very public spirited individual in all areas of civic activities. He has served on his local school board for 20 years. He has served 8 years on the board of directors of our State school board association. He is president of that board of directors as well.

So he is a person of very wide ranging interests who has really devoted himself to the public welfare of the people of our State. And I can think of no one who is more qualified to talk about the problems that we are trying to confront in this piece of legislation than he is.

And I commend you for your leadership in this area and for your chairing of these hearings today. I apologize that I have been tied up in meetings, and I am sure that you understand I have to go to caucus lunches, as you will probably have to do a little bit later too.

I have a presentation to make there today. But I look forward to hearing as much of the panel as I can today. I would like to put a statement into the record, more fully introducing Mr. Mitchell to the committee and also stating some of my views on S. 663, of which I am a cosponsor and very strongly support.

Senator JEPSEN. Your statement, Senator, will be entered into the record.[6]

Senator BOREN. Thank you very much, Mr. Chairman.

Senator JEPSEN. I thank you. I welcome Mr. Mitchell. You have a very distinguished Senator, and he has been a pillar to this Agriculture Committee. We have worked together, and even though we are not of the same party, the partisanship on this committee has not proven to get in the way at all of any of our activities in our work together here.

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[6] See p. 41 for the prepared statement of Senator Boren.

So, I appreciate the time you took, Senator, to introduce Mr. Mitchell.

Norman Berg, you have been around in the soil conservation area for a year or two.

Mr. BERG. That is right, Senator. I am pleased to be back in the setting that you are engaged in here this morning.

Senator JEPSEN. How many years service do you have?

Mr. BERG. Nearly 4 decades.

Senator JEPSEN. That is 40. [Laughter.]

Mr. BERG. I have spent all of my life dedicated to helping agriculture be the great industry that it is, and I am proud to be associated with it even today.

Senator JEPSEN. I just wanted the record to show, you know, the number of years that you have.

And how many years have you been working, Mr. Mitchell, in this area with your——

Mr. MITCHELL. Well, actually all of my adult life, about 32 years, I believe, actively in soil conservation work on my own private property.

Senator JEPSEN. Well, we have 72 years of combined experience and work in this area by this present panel, and I look forward to hearing your remarks, and you may proceed in any way and taking as much time as you so desire. And I would advise both of you that any written statements that you have will be entered into the record.

Mr. Mitchell, you may proceed.

STATEMENT OF ERVIN MITCHELL, PRESIDENT, OKLAHOMA ASSOCIATION OF CONSERVATION DISTRICTS, ON BEHALF OF THE NATIONAL ASSOCIATION OF CONSERVATION DISTRICTS

Mr. MITCHELL. Thank you Mr. Chairman and members of the committee and my own distinguished Senator from the great State of Oklahoma, Senator Boren; we thank you for that very fine introduction. I had not been told that was going to be done. That is a little something special, I guess, but I appreciate it.

I am Ervin Mitchell of Balko, Okla. I am a farmer and a rancher, president of the Oklahoma Association of Conservation Districts. I am here today to testify on behalf of the National Association of Conservation Districts, where I serve on the national council and am a member of the environmental policy committee. The problem created by cultivation of marginal or unsuitable soils have been a subject of debate within the NACD for the past several years.

For the past 3 years we have discussed a legislative remedy such as proposed by S. 663. Our council was reluctant at first, hoping the problem could be solved by other remedies.

This year at our convention in New Orleans we decided it could not. As a result, NACD strongly supports the passage of S. 663 and urges the committee to give it your favorable consideration and strong support in this Senate.

Our resolution reads, in part, as follows:

Thousands of acres of rangelands in the Western United States are being converted each year to cropland. In many cases, these are lands where climatic conditions,

topography, soils, and other factors limit the productivity of the land to the point where it is not suitable for long term cultivation.

As a result, severe wind and water erosion is causing serious impacts on adjacent lands and landowners, decreasing water quality and increasing sediment in nearby streams, and threatening in next period drought to recreate dust bowl conditions.

Once disturbed and damaged, these lands will be both difficult and costly to restore to productive use.

While this problem is most visible and its potential effects most serious, perhaps, in the Western United States, the problem posed by farming marginal or unsuited lands is national in scope.

The exact amount involved is not known, but new 1982 NRI figures should be released by SCS which should give us an indication. Our council voted unanimously to support a bill such as S. 663 because we feel there is a national need to let farmers know that USDA will no longer support or subsidize the cultivation of land that should not be farmed because of severe erosion hazards. That is what this bill is doing. There are those that oppose it on the grounds that it smacks of cross-compliance, as we have heard mentioned here this morning.

NACD considered this argument, but rejected it. This bill does not force a farmer to comply with anything to meet program qualifications. If he has been farming the land in the past, he is unaffected. This bill is focused solely on the future and the future development of farmland.

It simply limits the kind of land that can be developed for qualifications under USDA programs. If the land is not suitable for farming, for growing crops, it is not going to be subsidized by public money.

That seems fairly straightforward and reasonable.

Then we faced the argument about whether this bill would put the Federal Government in the position of telling the farmer what he could do and what he could not do with his land. It does nothing of the sort. He is still free to farm anywhere he wants and grow anything he desires. But if he chooses to plant crops where the soils are highly susceptible to erosion, he must do it on the basis of the private market alone, unless he wishes to install a conservation system that meets local standards as a condition for getting USDA program dollars.

The program envisioned in the bill would cause some additional work for ASCS, SCS, and the conservation districts at the local level. We believe that work will not be excessive, since most farmers are not involved in new land conversions and could easily certify to that effect.

In an area where many acres of new land are being brought into production, getting appropriate conservation treatment on these new lands is usually the highest local conservation priority. So we do not think the workload will be too great or that the local agency will be unable to handle it.

Mr. Chairman, we have prepared two papers that are attached to our testimony, and I would ask that they be placed in the hearing record today.[7]

The first is some questions and answers about S. 663 and explains some of the basic issues of the bill as we in NACD see them.

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[7] See p. 56 for the papers inserted by Mr. Mitchell.

The second is a minor technical amendment that we feel is needed to retain the intention of the sponsors in regard to the lands and the commodities that would be excluded from falling under the requirement of the bill.

We certainly thank you for this opportunity to share our views with you. And I would be happy to answer any questions at this time.

Senator JEPSEN. I think we will go ahead. And Norm, you proceed, and then I have some questions that I have for both of you that we will get to at that time.

STATEMENT OF NORMAN A. BERG, WASHINGTON REPRESENTATIVE, SOIL CONSERVATION SOCIETY OF AMERICA AND SENIOR ADVISER, AMERICAN FARMLAND TRUST

Mr. BERG. Thank you, Mr. Chairman, I am really pleased to be on the panel here with Mr. Mitchell. I have worked with the conservation district leaders throughout the country for a long time, and this is a double pleasure to be alongside him in this event.

Mr. Chairman, I am serving today as the senior adviser to the American Farmland Trust, and the president of that trust, Doug Wheeler, asked that I present a statement for the trust. I also serve—and this is a very recent effort—as the Washington representative of the Soil Conservation Society of America. Our executive vice president, Walt Peechatka, out in Ankeny, Iowa, where we are headquartered, asked that I present a statement for the society.

We are very pleased for the opportunity to be able to participate in this hearing. Both of these organizations are dedicated to the science and art of wise land use. The society has a long history in this regard, and the American Farmland Trust, a newer organization, has just 2½ years of history, is concerned about both the retention of our good land for agriculture, and the stability and welfare of the farming community.

In the interest of your time, Mr. Chairman, and with your permission, I would like to have the full texts of both of these statements be made part of the record.

Senator JEPSEN. They will be entered into the record.[8]

Mr. BERG. As you so well know, most bills that become law result from a process of problem identification and institutional response that takes, in many cases, a long time. We feel that for this bill, Senate 663, this is the time for this to become law. We would have been better off had we had it about a decade ago, but that is history.

We recognize that there is a timing for things to happen, and we would certainly endorse the momentum that is running in favor of this measure. Although it will not stop soil loss that is occurring, and at a very substantial rate in some parts of our country, it will stop, when it is effected, the Federal Government from subsidizing more serious soil loss from literally the millions of potential acres that at some time in the future are going to be vulnerable to being

[8] See p. 59 for the prepared statement of American Farmland Trust, and p. 65 for the prepared statement of the Soil Conservation Society, as submitted by Mr. Berg.

newly ripped out of the present use, which nature intended that they be used for.

We, therefore, strongly support its early enactment into law and that it become a policy of the Department of Agriculture, and that it get early implementation. Now, we commend the thousands and thousands of land users that are cooperating with their conservation districts who are stewards of the land. It has been our experience that as we look at some of the programs of the Department, the stewardship of the land in too many cases has taken a back seat. The good conservation farmers and ranchers have been penalized.

USDA commodity programs do have a strong impact on the use of land and on either conservation use or the lack of conservation use. There are a limited number of land users who farm two things: First of all, the land; and second, the program.

I have had experience in the field where I have seen land that should not have been supported in terms of commodity programs. It would have been better left in grass. Too often program considerations are more profitable than regard for erosion control. In some States, as we well know from the record, the marginal and submarginal land is in cultivation for a variety of reasons, but it has been supported by USDA programs.

Now, we know that those actions were by law, and the Department is carrying them out. But perhaps now is the time to remove the inconsistencies.

As you well know, but many may not know, including some of the land users, the Soil Conservation Service does have and has for years used this land capability class system as a basis for the development of the conservation plans that have been so useful to literally thousands and thousands of land users.

That system has been developed and refined over several decades. It classifies land according to its most suitable use for sustained agricultural production. The most capable land in that definition in classes I through IV, suitable for cultivation and other uses; and the land with restrictive attributes, generally not suited to cultivation, in classes V through VIII.

In addition, as Chief Myers explained, there are subclass indicators that identify land with specific problems with erosion susceptibility; that is a serious limitation to the production of crops. The capability system has proven very useful in the conservation planning process because it is straightforward and introduces landowners and operators to the details of the soil survey, that in addition to other information, is specifically geared for their particular property.

We are very much in favor of the momentum that is running on this particular bill, but there have been suggestions that it could be strengthened, and we have one concern. It is our only concern, and that is the definition, as we talked about earlier, of highly erodible land as it relates to these capability classifications.

When the Department completed the 1977 national resources inventory—and hopefully, as we look at the data from 1982, which should be available later this summer, it is becoming more clear that some modification of that capability class system may be

needed to incorporate the best possible estimates of soil erosion rates.

Right now it appears that the data that we have looked at strongly suggests that the present land capability class system understates the erosion hazard on an amount of land that is significant that was conventionally thought suitable for cultivation and is so classified.

Perhaps that old classification system has not fully adapted to the modern farming and ranching that we are now engaged in. Therefore, we feel it is important that as we consider this measure, that the matter be addressed so that the local soil conservation service technical people and the staffs on the soil and water conservation districts would be given sufficient flexibility to make the correct determination of what is highly erodible soils that are not yet in a cropping use. We would be happy to work with the committee to provide whatever help may be needed.

This whole problem has occurred for many reasons over a long history of land use. It is, however, a reflection as we sit here today that to date we seem to have the inability to insure that USDA programs that are designed to enhance production of certain commodities do not destroy the valuable land and water resources of rural America.

We are observing now the impact, and that will run through the growing season of 1983 of the payment in kind [PIK] program on land-use decisions. Hopefully, there will be a lot of sound conservation practices, although under the present setting, they are obviously going to be temporary, that will be applied to those lands that are now highly eroding.

The long-range task, as you addressed earlier here, is to be more certain that these lands do not return to highly erodible uses, except in time of dire national need. And this is an important matter that we look forward to addressing when you have scheduled hearings on the broader soil and water conservation programs still needed.

On the other side of the coin, we are dismayed that the Department of Agriculture has not yet implemented the Farmland Protection Policy Act that has been law since December 1981 that gave the Secretary until June 1982 to develop and issue the guidelines. These long delayed rules are intended to encourage Federal agencies to plan their projects so as to avoid taking prime farmland out of agriculture.

Several States have taken positive actions to get their houses in order. And as we have had millions and millions of acres, mostly agricultural, shifting to urban and built-up uses, this in part has led to the more intensive agriculture expanding in some regions to the more marginal areas and at the expense of more fragile resources.

In the interest of time, I would like to close by saying that the American Farmland Trust has been engaged for a year in a search for solutions, a study to assess the efforts of the public agencies to reduce soil loss by interviewing farmers.

We have completed that project. We ran this in six States including Colorado and Iowa. And one area, the Cope Soil and Water Conservation District in Washington County, Colo., has about 36

percent of their cropland devoted to wheat. We talked to 129 farmers and ranchers. They were interviewed out there by the local people that we trained for that effort.

We had a question in there along with a lot of others on public policy that dealt with their attitude toward imposing certain conditions on the receipt of Government money. It is interesting that their answers could range from either strongly agree to strongly disagree.

And in this instance, there were 60 percent of those participating in the poll that felt that this was something that should come into being. In other words, they were not in favor of subsidizing the present use of some of those lands.

Senator JEPSEN. Before you leave that, they were in favor of cross-compliance?

Mr. BERG. In effect, they were, in that particular instance. And that helped confirm what I heard Secretary Block tell the conservation district board of directors here just a few weeks ago, that there are signs of growing acceptance, at least in limited circumstances, of the concept of cross-compliance. He mentioned then the support for the Armstrong bill, specifically.

Other evidences that we have, including the Harris Poll that goes back 3 or 4 years that probed the thinking of the adult population of this country, and the comments that came in on both runs on the Resources Conservation Act programs indicated that we have an awareness of this need here better than we have had in the past.

The program that did come to the Congress did say that we should resolve the inconsistencies in the various agency programs and seek to insure that all agency programs support the conservation objective.

As I finish here, I am reminded that in 1951 the then Secretary of Agriculture, Charles Brannan, issued a famous memorandum called 1278. The reason it had to be issued was that we had some organizational problems that had plagued the Department since the beginning of the Federal soil conservation programs in the thirties. And that spelled out for each of the key USDA agencies what their share of responsibility for soil conservation was, while allowing each to retain its historic identity.

But that early action stated—and I have had this on my desk for many, many years, that "the basic physical objective of soil conservation activities of Department agencies shall be the use of each acre of agricultural land within its capabilities and the treatment of each acre of agricultural land in accordance with its needs for protection and improvement."

Therefore, early enactment into law of this measure and the necessary followthrough of implementation would be in total harmony with that bold objective of over three decades ago. Thanks for the chance to be at the hearing. Both the Soil Conservation Society and the American Farmland Trust will help in any way that we can. I would like to take just a moment for an additional thought. This is going to take some additional work by qualified people. It can be done. It needs to have a high priority once it is in effect. But I do not think we should say that it is not going to be at the expense of

some of the other things that these hard-pressed people at the field level are now addressing.

Thank you.

Senator JEPSEN. Thank you. Ten years ago would there have been the same reaction to cross-compliance that you noted in this more recent poll, do you think?

Mr. BERG. No, I do not think there would have been. The history that we have had in the last decade has been one of great interest to the people that are concerned about the use of our natural resources. We are part of a process here, caught up in the fact that the Nation was required to produce more of all of our commodities. There was an admonition to plow fence row to fence row, and without the necessary conservation protection, along with producing, we have caused ourselves some very serious problems.

I think the RCA process in itself has developed an awareness, has allowed us a much more full examination of the effectiveness of programs, of looking at those that work best, and some that could work better. And that whole discussion, I think, has led us to where we are today. That is why I say this particular bill, although it will grandfather in literally millions of acres that probably should have been left in some other use, is a great step forward so that we nail down a better future.

Senator JEPSEN. Mr. Mitchell, do you want to comment on that? How do you feel about cross-compliance? Are you concerned about this being the first step requiring cross-compliance?

Mr. MITCHELL. Not really, sir. Personally, I think we need to define a definition of cross-compliance. In my particular operation in Oklahoma, if you require what I call cross-compliance, I am completely opposed to it. But I do not see this really as a cross-compliance in that sense. I agree with Mr. Berg here, the farm economy in its such chaotic condition today, that I do not think we as farmers have a whole lot of choice.

We would put conservation practices on our land were we financially able without Government help. We are not financially able, and we cannot do it today. I see this as one means of maybe getting more conservation practices on the land. And I agree with Mr. Berg: This is the time to pass this. We could not have passed it 10 years ago. I doubt if we could pass it 10 years down the road.

If we see an upsurge in the farm economy, the farmer is greedy, as nearly everyone is, he will go out there and he will plow any land that will make him a dollar and disregard—a lot of them disregard—conservation.

I think we can see today where that has led us.

Senator JEPSEN. It is not quite cross-compliance.

Mr. MITCHELL. Right.

Senator JEPSEN. But I think people think of it as kind of a nose under the fence.

Mr. MITCHELL. I do not see it as that, no. I do not see it as a foot in the door, so to speak; no, sir, I do not.

Senator JEPSEN. We are not saying the Federal Government will provide money if you do certain things. We are just simply saying the Federal Government is not going to provide money—period—if you break soil as we define it and describe it in this act. You cannot do it and receive benefits.

Mr. MITCHELL. Right.

Senator JEPSEN. So it is kind of a step toward it.

Mr. MITCHELL. Well, in one sense, yes, sir.

Senator JEPSEN. But you have no problem with it?

Mr. MITCHELL. I have no problem with it. It does not bind me as a farmer. If I want to go ahead and break that land, it does not tell me I cannot; it just tells me that I cannot expect to be subsidized from public moneys, which I think is right in the first place.

Senator JEPSEN. Well, let us just explore and go one step further. How about putting conservation practices on the land as a requirement for participation in other farm programs? Would you have a problem with that?

Mr. MITCHELL. Personally, I would not have a problem with that. I think this is just good soil stewardship.

Senator JEPSEN. How do you think that poll would have read, Norm, had they extended that to say——

Mr. BERG. Well, I think we are finding in this most recent survey that we have—and we will have that for your committee—that there is more acceptance and more feeling of equity out here on the part of these land users than we are giving them credit for.

They are very concerned about the Government having installed conservation practices and then seeing them ripped up. They think that that is highly unfair. They are not so happy about some idea of fining people because of soil loss. They recognize the experience that Iowa is going through where if the soil loss does not bother anybody else, that is the land user's problem; but if it becomes a nuisance to somebody beyond the fenceline, then there is an interest in terms of society recognizing that something should be done, and that has been upheld by your State supreme court as an action.

Other States are beginning to look at that. I am very much impressed with what happened out in Weld County. I think what we are talking about is a mix of Federal responsibility along with State and local action; where the Governor placed that 15-day moratorium in effect in Weld County until the county commissioners could look at their own responsibilities and when they passed ordinance 108 under the authority of the Colorado County Home Rule Powers Act, on May 20 that indicated that government can act responsibly It is saying that there are broader implications of what we are doing here than just the individual landowner.

Senator JEPSEN. It indicated that government is interested in acting responsibly.

Mr. BERG. Right.

Senator JEPSEN. At first the gentleman reported that when they got it, they were not sure they wanted it.

Mr. BERG. Well, I do not think anybody is in jail yet out there, but there is a fine attached, and that sort of thing. There have been permits issued that allow them to go ahead and do the right thing.

Senator JEPSEN. No, I am not being critical of it; in fact, it pointed up, I think, a problem.

Mr. BERG. Senator Jepsen, there is no question but what the property owner's rights are protected under this bill. It will be labeled as a land use measure by some that do not like it, but as we

have had said several times here, this is not true. We do not feel that the voluntary efforts in conservation will be compromised. The technical data is available or could be made available in a very timely fashion.

We would, as you have indicated, be interested in how the USDA will determine compliance once the policy is established. The long-range needs here are to ask the Department, as I see it, to tell us what impact this will have on productivity, and take a look at the classification scheme as to whether it is as up to date as the field would need in the way of guidance.

Senator JEPSEN. Do you think there needs to be some revision of the definition of highly erodible land?

Mr. BERG. The reason we are suggesting this is that the data we now have from 1977 shows that some of our most serious soil loss is occurring from both the classification IIe and IIIe lands. Now, if those lands were properly managed in terms of conservation treatment, perhaps that would not be happening.

But there are some areas here that need to be looked at because we could be introducing a very sizable acreage as potential problem areas. That is where the big acreage is, in those two classifications.

There is a further concern about some people that have made very effective use of class VI land and even class VII land for highly specialized crops with a good conservation system, drip irrigation in the avocado orchards of southern California, and so forth and so on; they can show you a well-managed field that is very, very acceptable.

Senator JEPSEN. Do you think that this term, "land capability class," is easily understood by farmers? I assume it is understood by Department personnel in the Government.

Mr. BERG. Well, I hope it is understood by Department personnel, but I cite this evidence here that goes back over 30 years, that we still have some problems. I think most of the people that have entered an agreement with the conservation districts have had the land capability class explained to them as part of their decision process on a conservation plan and what they do about it.

But I think we are assuming that perhaps there are more people that know what we are talking about here than there are. I think there is going to be a need for education. We are equally caught up in a more demanding problem to try to explain to people what we mean by soil tolerance loss. We are talking about the T-value of soil as a very, very key element in directing conservation programs in the future.

I was talking to a professor that has a class of agricultural students within the last couple of days, and he asked them if they understood T-value. Not a one of them understood what we are discussing here. So there is need for additional work. We will help on that if we can.

Mr. MITCHELL. Senator, I think probably it is better understood by the average farmer than most people think. I think today, as our numbers have decreased, until a little under 3 percent of the total population are actually dirt farmers, I think you will find a better group of educated people out there than we have had in the past.

And I think they understand this a lot better than some people think they do. Not only do they understand the classification of soil, but they understand the capabilities of that soil. We have some education to do in some areas, yes, but not a tremendous job.

Mr. BERG. Senator, I think we have a great opportunity this growing season to see what the farmers themselves have decided to set aside for this year under the PIK and other diversion programs. They are making that decision, and I think for the most part we will find a lot of these lands that we are talking about here are going to be set aside. They are the best judge at this particular point. We ought to have some way of monitoring what was actually done, and fairly quickly.

Senator JEPSEN. I am anxious to see what kind of conservation covers——

Mr. MITCHELL. I can give you my personal views on that, Senator.

Senator JEPSEN. Would you?

Mr. MITCHELL. I am not taking out my sorriest land. I am taking out my best land. I have some problems on wheat with cheatgrass and jointgrass, and on the irrigated milo ground with shatter cane. I am taking those lands out of production this year to control a weed problem.

And I am using my lighter lands because I do not have the problem on them that I do on the other lands. I am doing this because, with the farm economy being as it is, I cannot afford to lose a crop on my best lands. I can go in the PIK program this year and draw a payment, rotate those lands and not lose a complete crop. So this is the reason I am using better land.

And I think you will find a number of farmers—not all of them, no—but you will find a lot of farmers taking class I land out this year during the PIK program.

Senator JEPSEN. Well, you are doing more than conservation.

Mr. MITCHELL. That is right.

Senator JEPSEN. You are using the program to——

Mr. MITCHELL. For crop rotation.

Senator JEPSEN [continuing]. For crop rotation.

Mr. Mitchell. That is right. And also I need to do some conservation work on that ground. Senator, in 1968 I spent $25,000 of my own money with no Government help in putting conservation on some land. I probably will spend $10,000 or $15,000 of borrowed money this year to put conservation on my land. I feel it is that necessary.

Senator JEPSEN. Do you have anything else to add? Would you comment just briefly on the local control and subsequently local responsibility and enforcement for addressing these things.

Mr. MITCHELL. I am a rather independent, I guess—some say independent; some say hard headed—farmer. I like to make my own decisions, and all, but in visiting with local farmers, I think we had much rather have local control as we would have State or Federal control.

In my position, as a district director in the State of Oklahoma, I do not relish the thought of being the one to go out there and tell that farmer he has to do this or that. The pay is really not that great for district directors today. We work for no pay. But it is

something that has to be done, and I would rather be the local person to do that as I would to have a Federal or a State man come out there.

I think we can be a lot more effective. I think if we take the right approach, use the right terms, I think we can voluntarily get a lot of farmers to cooperate, rather than have to force them.

Mr. BERG. We appreciate the chance to be here, and I could not agree more, that the judgments of the people closest to the problem is where we need to put the greatest responsibility.

Senator JEPSEN. I thank you very much. And your 72 years of combined experience and expertise showed in your testimony. Thank you.

Now, I would introduce Leon Silkman, president of the Colorado Association of Soil Conservation Districts; and Marshall Frasier, past president, Colorado Cattlemen's Association.

Welcome to the panel, gentlemen. When did you come in from Colorado?

Mr. SILKMAN. I came in last night and am going back today.

Senator JEPSEN. Fine. Again, I would advise you that your statements that you have in writing will be entered into the record as if read. And you may proceed in any manner that you so desire with any amount of time that you so desire.

STATEMENT OF LEON SILKMAN, PRESIDENT, COLORADO ASSOCIATION OF SOIL CONSERVATION DISTRICTS

Mr. SILKMAN. Mr. Chairman and members of the Senate Agriculture Committee, my name is Leon Silkman. I serve as president of the Colorado Association of Soil Conservation Districts. I am also a farmer from Burlington, Colo. I am here before you today to support Senate bill 663.

We have submitted detailed testimony to your committee staff. I hope you have a copy of it.[9]

I shall briefly summarize two important points contained in that testimony. First, we have updated some of our data concerning the plow-out in Colorado. At this time, if I may, I would like to ask Greg to display a map. That is a map of Colorado in counties designating the acres plowed out. The darker areas indicate over 40,000 acres in the counties. The next lighter one is 10,000 to 40,000, where there is less than 40,000, and the plain white is zero acres or nonsignificant amounts.

As you can see, we do have an extreme problem in Colorado with this plow-out. In fact, with the detailed information, why, down through the States it shows that Colorado has more fragile lands plowed out at this point than any other State in the Nation.

So it is appropriate that Senator Armstrong introduced this legislation.

In the past 5 years, a total of 512,000 acres of fragile land has been plowed out. This data is presented according to soil capabilities and counties. This large map indicates the extent of fragile grasslands being plowed out in Colorado with counties having more than 40,000, or 10,000 to 40,000, and under 10,000.

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[9] See p. 73 for the prepared statement of Mr. Silkman.

Second, we have an increasing number of counties taking action to regulate the plow-out of fragile grasslands. You have heard about the Weld County home rule, a county that has adopted the permitting procedures. It has been operational for some 11 months.

Several nonhome rule counties are in the process of drafting zoning regulations. My home county of Kit Carson, which I serve on a committee, will recommend a course of action to the county commissioners. Local controls will help if enough counties take action.

We really believe that controls should be at the local level. In the detailed testimony, we include data concerning sensitivity of erosion of much of the soils being so plowed. The sensitivity is expressed as T-value. Mr. Berg mentioned T-value. It represents the maximum rate of soil erosion that will permit crop productivity to be sustained economically over a long period.

In Colorado we are trying to change the comment about T-value and change it to how much of the production will be lost with excessive erosion. I would think maybe it will be more effective.

Many of the soils in these counties have a T-value of 3 tons per acre or less. In other words, in your home State, Iowa, very deep topsoil, the T-value could be extremely high and not reduce productivity of that soil. Some of the shallow soils and fragile soils of Colorado, 1 and 2 tons, can be more damaging to long-term productivity than 15 to 20 tons of some deep soils.

Some provisions of Federal agricultural programs provide incentives to bring new lands into cultivation. With the removal of these incentives through passage of S. 663 and with appropriate local control, we shall be able to deal with the problems of fragile grasslands much better. We do need this legislation and we need it now.

We urge the Senate to endorse it and hopefully pass it this year. I have also been authorized to say for the record that the Society of Range Management, a professional, international organization representing nearly 6,000 range managers, researchers, educators, and ranchowners, has filed with the committee resolution and symposium papers that reflect their strong concern with the plow-out situation and their support to the concept of Senator Armstrong's bill, S. 663.

In conclusion, as I said, we do urge Senate passage of this legislation. If you have any questions, why, I would be glad to answer them. I thank you.

Senator JEPSEN. Thank you.

Marshall.

STATEMENT OF MARSHALL FRASIER, PAST PRESIDENT, COLORADO CATTLEMEN'S ASSOCIATION AND PRESIDENT, COLORADO ASSOCIATION OF SOIL CONSERVATION DISTRICTS

Mr. FRASIER. Thank you, Mr. Chairman. It is a privilege also to be here. My written testimony you have. I will not read. You can enter it.[10]

It states that I am here representing the Colorado Cattlemen's Association, of which I am the past president, but mainly I am

[10] See p. 90 for the prepared statement of Mr. Frasier.

here representing myself as an individual who has lived with this problem all my life. I was born in the midtwenties in western Kansas. When I was 8 years old, I drove a tractor like that one you see in the middle picture up there, pulling a three-bottom lister, listing other people's land in western Kansas, who had not stopped their land from blowing under a Government program. I have seen that same listed land overnight when a strong wind would hit, just as slick the next morning as it had been when I started the day before.

So it is hard to control this land, and this is much better land than the land that is around me where I now live, 90 miles east of Denver. I happen to live in the county, Washington County, that Mr. Berg spoke about on his survey there at our soil conservation district.

The early pioneers called our part of the United States, the Central Great Plains, the Great American Desert. I think through the years it has been proven that they were wrong, as long as it was left in grass.

I am reminded of a TV commercial we have in our area and perhaps here, a beer commercial where these past sportsmen are talking about the great things they have done and lying. One of them happens to be Booth Pilan, and he represents a forester, and he said, I, personally harvested the Great Sahara Forest. The other guy says, the Sahara is a desert. He said, it is now.

And that is what is going to happen to our country when the top grass is taken off. We have about 1 to 3 inches of topsoil in our area. It is class IV and uplands. I have had 80,000 acres within 15 miles of me plowed in the last 4 years. It is very rough ground. It is going to cause our ranch more damage from water erosion than it is from wind erosion.

All our dams are going to fill up with mud, and they already have on the edges of our ranch. Our meadows are being destroyed with the mud that is coming down, 16,000 acres was plowed upstream from me 3 years ago.

So this is what is bothering us. I have put in piped water all over our ranch because our dams are going out, and by the way, we have 35 miles of pipeline which I have paid for myself, which I could have got some programs on.

Senator JEPSEN. Thirty-five miles?

Mr. FRASIER. Thirty-five miles of pipeline on my home ranch because we have to take care of our own property, actually. Ron Wilson, one of the Senate Agriculture Committee staff members, perhaps who you know, a fraternity brother of my son; he went to Kansas State. About 3 years ago I picked him up in Denver. He had been speaking on the western slope. I brought him out home where I flew him back to Kansas State in my own plane. The thistles were blowing that Sunday morning when I picked him up. It looked like herds of sheep going across the pastures and across these fields. And when they roll across the fields, they kick up the loose dirt and the dirt starts blowing.

And you might ask him what eastern Colorado looks like in the spring when it is dry. It is not this year. We do have moisture this year.

I think through increased technology we will continue to have surpluses of grain, and we do not need these acres plowed out. I was born and raised on a wheat farm in western Kansas. I still have an interest in it and a family partnership. My brother and his sons are operating it. We can produce all the produce we need on the good soil, and we do not need to encourage people to plow out more.

In the forties I had a ranch in southeast Colorado. During the Second World War they started plowing this area because of the high price of wheat at that time. We knew what was coming and we had the ranch 3 years and sold it and moved to where we are at now.

We went back in the midfifties when we had another drought. We had fenced it with good five-wire fences and the posts would rot apart, and you could not see the fence posts—all you could see was a mound of dirt. You could not even see the top of a fence post.

They started plowing our country 4 years ago. In one rain I have seen water run down against the State highway that runs through some of this area. As it slowed up to get through the tube under the highway, it covered up the bottom two of the four wires on that fence just from erosion, just as it settled out waiting to get through the tube in one small rain.

We have some grassland in Colorado that was bought in the thirties for this very reason, that this ground was blowing. The Government stepped in and bought this land. Some of it is in Weld County that we talked about, some in the southern part of the State. They put it back to grass and kept it in grass and operated as such. Under this new sellout of Government land to help pay off the national debt, some of this area is being proposed to be resold. If it is, it will be plowed because it is flat land.

You ask what the State is doing. I would like—Mr. Stencel mentioned the bill. However, I was on the committee that helped write this legislation last fall before it is going through our legislature at this time, and what this new bill does, it says the county commissioners can go out and decide that there is some damage being done to the neighbor, but then this gives the neighbor the right to go to court and sue for damages.

So it takes the responsibility off the county commissioners, as we call them in our State, or the county directors, to set the damages. The county commissioners merely say yes, there is damage being done. You may go to the courts and the courts will decide what the damages are. So I think this is a method that still gets the county people involved so that two neighbors who are just mad at each other cannot go to court and sue each other all the time if their damage is very small.

But if it is major damage and the county commissioners think so, they can give the person the right to go collect the damages if their neighbor will not rectify the damage. I think this is the way we are going to have to go for neighbors to be able to get along and for us to be able to have county officials that will serve and the right type of people that we have.

Again, I thank you for this opportunity to testify again. I was here last year and spoke on this, as a rancher and a cattleman in Colorado. All over the West, especially along the front range of

Wyoming, Montana, and Colorado where the strong winds come off the mountains, we have a very severe problem.

And even I have seen now or after rain on some of these sandy grounds start to blow an hour after it rains. So there is a problem.

I thank you for your time.

Senator JEPSEN. Thank you. Would either or both of you care to comment on your feelings with regard to cross-compliance in this bill and then to go one step further and talk about—it has pretty well been established that this is not quite real cross-compliance here. We are just simply saying you are not going to get paid for doing something you should not do in the first place.

That is a little different than saying we will pay you to do certain things. But what about cross-compliance?

Mr. SILKMAN. Senator, in the process of trying to answer or make a comment about your question, I would like for you to one more time observe the exhibit to your far right there of the tremendous erosion. I am very familiar with that picture. That picture was taken in Yuma County, Colo. It adjoins my home county. That erosion occurred there because fragile grasslands were being plowed out and put under center-pivot irrigation out of the Ogalala aquifer.

As you can see, the technician is showing there that it is basically underlaid by pure sand. That ground cannot sustain cultivated production. Its only ability to produce was grass and to grow meat of some kind, either cattle or sheep, whatever.

That is the example of, I guess you would say, cross-compliance in reverse. The Government programs were subsidizing that kind of destruction of American resources.

I do not feel this bill is cross-compliance, as we see it. I would oppose cross-compliance. I do not want the Federal Government, I do not want the State government telling me or my neighbors what we can do with our land.

Senator JEPSEN. How about your neighbors telling you?

Mr. SILKMAN. You know, in answering that, as a leader in conservation in Colorado, why, I have had to talk to district supervisors many times in pursuing a form of cross-compliance. I have tried to explain it to them so they would not shoot me, that if I had a problem in a corner of my farm and one of my neighbors drove and told me, now, Silkman, you get with it and take care of this; you are creating a problem. You are letting this land erode away. And you have several options that you can use to alleviate the problem. And I am sure I would get awful mad.

But if a State bureacrat or a Federal bureaucrat came and told me that on my place, he is not faced with the same economic problems and the weather, I might bury that rascal. So, if we are going to control it, it has to be a local control at the county level.

Senator JEPSEN. I understood what you said. [Laughter.]

Mr. FRASIER. I have a little different view on this, perhaps, being a cattleman. We have farmed in western Kansas all our lives, also.

But I feel you are really not telling a person what to do. You do not tell them they have to take that Government payment. If they are going to take one Government payment and rape the land to do it, then there ought to be some way to see that they make some effort. It does not have to be the top effort that the new man out of

college tells you you have to do, but you have to take care of that land.

I am 50-some years old, and I think that agriculturists are the best environmentalists and the best conservationists we have, those that are born and raised with the land and have, as I happen to have, three sons that want to continue on with the operation and a grandson less than a year old, and all.

That is the only land that we are going to have, and we are going to take care of it. I guess the only amendment I would like to see to it, and it would not be constitutional, is it ought to be retroactive about 5 or 10 years.

Senator JEPSEN. I think that was generally the consensus. Certainly Mr. Berg pointed that out. He said it was too bad that we did not have this 10 years ago and maybe that could have been avoided, and so on.

Mr. FRASIER. I had a farm in that same area and had eight irrigation wells, and coming from an area in Boulder, we brought a land leveler down in the first wells we put in, and did a little bit of land leveling, and we paid for it for the 13 years I owned it, because there is 3 inches of topsoil and then there is sugar sand underneath.

If it is too rough to get your sprinkler over it, do not touch it.

Senator JEPSEN. Well, I would like to thank everyone. I would like to thank both of you for coming here today. It would appear that there are some questions that need a little more refining and defining and a little more work and that we may have to change some of the terms that define the scope of this legislation.

Nonetheless, as I indicated earlier, Senator Armstrong has done a superb job, not only in putting together this legislation, but in obtaining the consensus among the conservation interest groups and the Department of Agriculture. By building this consensus first and then passing legislation, as I indicated earlier, we are telling the American farmer that he or she is a primary focus of our efforts in Congress, and that, as such, as intend to pass responsible legislation, specifically defined, that accomplishes certain objectives.

Additionally, by addressing conservation programs on this somewhat focused scale, we are telling the American public that we are prepared to take direct action to preserve the soil resources of this Nation. And we are telling the American consumer that a concerted effort to coordinate conservation programs with other agriculture programs, as in this instance, may contribute to stabilized prices and supply in future years.

Highly erodible lands, as defined by the experts, present an unusual problem that can be solved with certain direct actions. The committee looks forward to working with Senator Armstrong and farm group representatives, the Department of Agriculture, and others to promote the intent of this legislation.

If there are no further comments, this hearing is adjourned.

[Whereupon, at 1:05 p.m., the committee adjourned, subject to call of the Chair.]

[Questions submitted by Senator Huddleston to Mr. Myers and answers thereto:]

Question 1. The first exemption provided for in the bill is for "any agricultural commodity planted by a person to produce any of the 1973 through 1982 crops of agricultural commodities." I am concerned about the interpretation of this provision. For example, if a farmer grew only wheat through 1982 on highly erodible land, would he be able to switch to growing corn in 1983 and still be eligible for price support assistance?

Answer. A technical correction has been made in Subsection (c)(1) of S. 663 so that the exemption now reads "any land which was cultivated by a person to produce any of the 1973 through 1982 crops of agricultural commodities;". Thus, the exemption relates to the land having been tilled rather than to a specific commodity produced. If a farmer grew wheat through 1982 on highly erodible land providing he or she is otherwise eligible according to the commodity program provisions, he or she would be able to switch to growing corn in 1983 and be eligible for price support assistance.

Question 2. As I understand this bill, the Soil Conservation Service would be required to make some administrative decision about every acre of highly erodible land that is being cultivated by farmers participating in the Government price support and other farm programs. Do you have an estimate of how much it will cost to implement the provisions of S. 633?

Answer. The Department believes this legislation can be administered with existing staff in the various USDA agencies affected. Administration of this legislation should, to the extent practicable, be carried out as an integral part of the administration of existing USDA programs.

We recognize it would be impractical to check compliance of every producer who participates in the programs listed in subsection (b)(1)(5). It is expected that the agencies administering these programs will accept producer self-certification subject to the regular spot checking procedures presently in use by the agencies. When a farmer makes application to participate in one or more of the programs, he will be asked to certify whether he has or intends to crop any land not cultivated during the period 1973–1982. If he certifies that he has not cultivated such land and does not intend to in the current crop year, then the provisions of this Act would not apply.

If the farmer indicates he has cropped, or intends to crop, land not cropped from 1973–1982, he would be asked to identify the land area involved. In the majority of cases, the agencies responsible for the programs in subsection (b)(1)(5) will be able to identify the capability class of the land in question using soil survey reports and maps previously prepared and published by the Soil Conservation Service (SCS). The SCS has completed soil surveys on about 75–80 percent of the nation's farmlands. If the agency for whose program the farmer is applying determines the land in question is not class IVe, VIe, VII, or VIII, no further action would be required. If the land is in one or more of the above classes, the farmer would be informed that in order to qualify for the program, he would be required to use a conservation system approved by the local soil conservation district.

The programs in subsection (b)(1)(5) would be available to those who are able to follow an approved conservation system. If the farmer is unwilling to use an approved system or if no system is technically feasible in the particular situation, then the decision would be left to the farmer whether to forego producing agricultural commodities on the highly erodible land or to forego the USDA program benefits.

In some instances, soil surveys will not be available for the program agency to determine the proper capability class. The agency would then request the local SCS office to make the determination. In many cases, the local SCS staff will be able to determine the capability class immediately using unpublished soil surveys, aerial photos, and other information available in the local SCS office. However, in some cases, a trained SCS person may have to make a field visit in order to properly determine the capability class. We have pledged that this bill will be a high priority activity for SCS field staff.

We believe this method of operation will minimize administrative costs. This legislation fits in with our intent to achieve greater consistency between USDA programs.

APPENDIX

STATEMENT OF HON. WALTER D. HUDDLESTON
A U.S. SENATOR FROM KENTUCKY

S. 663, as I understand it, is designed to require the use of sound conservation practices on certain highly erodible farm land.

S. 663 would prohibit participation in certain Department of Agriculture programs for farmers cultivating highly erodible land, as defined by the bill.

The bill exempts some land from the prohibition, including land being diverted to the production of a commodity that had been produced on the land at a previous time, beginning with the 1973 crops. Also, land being cultivated using an approved or adequate conservation plan would be exempted from the prohibition.

The effect of this bill is potentially very broad since virtually every state has some highly erodible land that has been fallow since 1973 or that a farmer might want to plant to a different commodity.

Mr. Chairman, soil and water resource conservation problems are matters of national concern, and resource conservation efforts should be strongly supported at the federal level. This bill provides a new approach to dealing with some of our resource conservation problems. The implications of this proposal should be thoroughly considered.

The purpose of this hearing today is to explore the merits of the provisions contained in S. 663. I look forward to hearing from the witnesses.

STATEMENT OF HON. DAVID BOREN
A U.S. SENATOR FROM OKLAHOMA

Mr. Chairman, the subject of today's hearing is one of great importance to the long-term agricultural productivity of this nation--conservation. Senator Armstrong's bill, S. 663, "the sodbuster bill", will go far in protecting our nation's land resources. It will ensure that the government does not encourage farmers to bring into cultivation land that is highly erodible. As a cosponsor of this measure, I urge the Committee to act swiftly.

Mr. Chairman, I am honored to introduce today a fellow Oklahoman, Ervin Mitchell, who is testifying in support of S. 663 on behalf of the National Association of Conservation Districts.

Ervin Mitchell has an irrigated and dryland small grain operation in Balko, Oklahoma. He is a dairyman and also is a cattleman with a small stocker cattle operation.

Ervin Mitchell has dedicated a great deal of his life to conservation. He has been a cooperator (maintaining a conservation plan on his land) for 32 years. He has served on the executive board of the Oklahoma Association of Conservation Districts for six years. He is currently serving his second term as president of that association. The conservation district program in Oklahoma has progressed greatly under his able leadership of the association.

Not only has he donated his valuable time to the preservation of our nation's resources, but he has also served the public's interest in other ways. He served about 20 years on the Balko school board. He was president of the school board for nine years. Also, he served for 8 years on the board of directors of the Oklahoma State School Board Association. In 1972, he served as president of the board of directors.

Mr. Chairman, it is with great honor that I introduce Ervin Mitchell to the Committee.

STATEMENT OF HON. PETE V. DOMENICI
A U.S. SENATOR FROM NEW MEXICO

Mr. Chairman, I am pleased to say that I am a cosponsor of S. 663, Senator William L. Armstrong's "Sodbuster Bill". This bill is long overdue as far as our national farm programs are concerned. As I look over the yearly Soil Conservation Service reports regarding the amount of soil lost to erosion, I become worried. I worry about having adequate farmlands for the generations to come. I worry about the land that goes out of production because of the growth of our cities and towns. I worry about the tons and tons of topsoil washed away by rains and floods and blown away by Spring winds.

How long can this go on is a question that remains to be answered. Across this nation thousands of scientists, government employees, farmers and private citizens have sought the answers to that question.

They are deeply involved in conservation activities to insure that future generations have adequate farmland to feed not only the citizens of America but also the citizens of the world.

It almost seems incomprehensible that while we educate and train people to help conserve soil in this nation we would have government policies that encourage the plowing up and then farm-

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ing of fragile grasslands. Through our commodity programs we in fact spent money to encourage this type of activity.

Over the years I have been deeply concerned about the potential for famine in the World. In 1974, I attended the World Food Conference in Rome. I heard expert after expert predict potential famine if we did not take certain steps in this world. Some of those steps, I am happy to say, have been taken. In many countries of the third world, agricultural strides have been taken to insure adequate food supplies. However, in other countries there are still hungry people and, in many cases, those people are dying.

This bill indirectly pertains to that bigger world-wide issue. Nations that harbor malnutrition and hunger are not stable nations. They are nations that have the prospect of becoming battlefields. They also have the prospect of being the spawning grounds for millions of refugees that quickly become the problem of every nation of this earth.

It is obvious to me that we cannot let our valuable farmland and rangeland erode away if we are to have any hope at feeding a hungry world. We must protect our farm base acreage and we must protect our range base acreage. To not do so would be the first step in eventually destroying this world we live in.

STATEMENT OF HON. WILLIAM L. ARMSTRONG
A U.S. SENATOR FROM COLORADO

Mr. Chairman, I appreciate the opportunity to come before the Agriculture Committee on what I believe is one of the most important issues facing the nation's farmers--soil erosion. I know that the Committee has done a great deal of research on this bill and the issue generally, and I am truly grateful that the bill has now been co-sponsored by 23 of my colleagues, including several Members of this Committee.

I first introduced the sodbuster bill on November 9, 1981, nearly two years ago. And the process which has led to this hearing is very illustrative of the importance of the bill to the American farmer.

I have some material on the bill which I would ask to be included in the record of this hearing, and I don't think it's particularly important for me to talk at length about the bill now, since the Committee understands it already, and since today's hearing will include a number of very distinguished witnesses more expert on the technical aspects of this than me. But I would like to spend a couple of minutes framing the basic issues involved, and briefly describe the process which has led us to this point.

Mr. Chairman, the issue is simply this: America's topsoil is washing and blowing away at an unacceptable rate. The Soil Conservation Service estimates that we lose more than 5 billion tons

of the best topsoil every year--more than at any time during the dust bowl days of the 1930's. We're losing a great deal of this topsoil because of the rampant plowing of fragile grasslands, and the federal government is encouraging this process.

The various economic incentives provided by the federal government were established for reasons completely unrelated to this erosion issue. The price support system was intended to provide consumers with a steady and low-cost food supply while ensuring our farmers of an adequate living. It is not the intent of this legislation to alter that basic system, though some good arguments can be made in another context for doing so.

But the fact of the matter is that these economic incentives--price supports, farmers' home loans, crop insurance, disaster payments, farm storage facility loans, and the rest--provide economic incentives for land speculators to buy and plow up rangelands that should be left alone. In some cases, a farmer can literally double the value of such lands, and the loans he can receive on them, by the very act of plowing them up. In the real estate market, a plowed wheat field subsidized by government programs may be worth more than an uncultivated cattle pasture, whether the land is any good or not. So when a farmer, an investor, or a speculator can plow such lands at virtually no economic risk to himself, he is provided a powerful incentive to plow.

And that's what these programs do--they put the taxpayers in the position of taking the risk of such ventures. So the plows continue to turn under hundreds of thousands of acres of grasslands each year. If the crop should grow, price supports will roughly cover the cost of production. If not, the farmer can get crop insurance, even disaster payments under some circumstances. He can sometimes get an FmHA loan to buy the plows with, and a farm storage facility loan to build grain storage and further enhance the value of the property. Under such circumstances, a farmer trying desperately to eke out a living under what are already difficult conditions, may be led to conclude he should plow fragile lands even when his best instincts warn against such a move.

What this all means is that these government programs are interfering with sound farm management practices. The nation's farmers understand the vulnerability of these grasslands. And under normal conditions, they would not be plowing them. But the government is openly encouraging them to do so, at a time when many are near financial collapse.

And that's the issue in this bill, S. 663. Should government continue to subsidize <u>all</u> crops, regardless of where they were grown, on what kind of land, with what kind of erosion, and whether the crop is already in surplus?

Mr. Chairman, there are 40 million acres of extremely fragile lands already under cultivation in this country--that's 10 percent of our entire cropland base. But there are another 250 million acres--half again as much as the entire base--that could

still be plowed if we continue to encourage this practice. And we must not misunderstand or underestimate the danger, in terms of erosion of plowing this land. The average soil loss to erosion in this country is about 5 tons per acre per year. But in the highly-erodible land classes addressed by this bill, the average can be as high as 30 tons per acre per year for class 7 land. Cultivating such lands is certain to cause severe erosion and often damages neighboring land, too.

And the damage caused by such erosion is permanent. It takes nature more than 100 years to produce a single inch of topsoil, but that inch of soil can blow away in less than an hour if not protected against erosion. In many parts of the West, land damaged by early dust storms of the 1930's has never fully recovered, particularly in the arid western plains.

This problem was first brought to my attention at a meeting in Limon, Colorado two years ago by a rancher who was convinced that the federal government is encouraging farmers to plow up these grasslands like there's no tomorrow. My state has seen more than half a million acres of such land put to the plow since 1979, more than any other state. But it's not a Colorado problem alone. Huge acreages of fragile lands are also being plowed in Montana, Wyoming, South Dakota, Nebraska, Oklahoma, Texas, California, New Mexico, and Arizona. The same problem exists, though on a smaller scale, in Kansas, Oregon, Washington, Georgia, and Alabama. In all of those states, at least 5 million acres of fragile grasslands are in danger of being plowed under and blown away unless Congress acts quickly to stop subsidizing the sodbusters.

This bill will not dictate farming practices to farmers. It will not allow any federal agency to determine who gets price supports and who doesn't. It will not interfere with the planting decisions of farmers. And it will not entirely stop all erosion. But it will simply say to farmers that if they want to plow up these grasslands, lands which have not been plowed before and which are highly erodible, they will do so at their own risk and they should not expect the taxpayers to bail them out when the land turns out not to be productive.

In fact, it will get the government out of the business of encouraging a practice clearly not in the best interests of the farm system. And this will mean that we can stop interfering with what would normally be the practice of farmers, not the other way around.

An extensive amount of research has been done on this simple proposal over the past couple of years. It has been endorsed by virtually every major farm and conservation organization, several of whom the Committee will hear from today. The Administration strongly supports the measure, as you will also hear. And a number of technical changes have been made to strengthen the bill, and to make it easier to enforce. It is based on land class systems that have been in place for many years, and which are widely understood and accepted by farmers. The only discretion allowed is strictly maintained at the local level, and the local conser-

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vation districts exist in all but 1 percent of the agricultural areas of the country.

The technicalities have been worked out and it's time now to act. Many farmers across the nation have to make new planting decisions again in August, and this bill must be passed by that time if we are to avoid another full year of plowing.

I am submitting for the record a section-by-section analysis of the bill, along with some fact sheets and related materials showing where the problem lies, and exactly what the bill does about it. Again, I thank the Committee for scheduling this hearing and urge speedy mark-up on S. 663.

STATEMENT OF HON. LARRY PRESSLER
A U.S. SENATOR FROM SOUTH DAKOTA

I would first like to thank you for holding this hearing on S. 663, and for giving me an opportunity to express my support for the legislation.

S. 663, which I have cosponsored, would eliminate the economic incentive for farmers to break up certain highly erodible land. This "sodbuster" bill will make Government price supports, crop insurance, disaster payments, FmHA loans, and farm storage facility loans unavailable for crops grown on newly plowed fragile lands. The bill will not apply to land that has been plowed or land where erosion is not a problem. The legislation was approved by the Senate last year as an amendment to the fiscal year 1983 Agriculture Appropriations bill, but was unfortunately deleted in the House-Senate conference committee.

This measure does not prohibit farmers from plowing their land, but does prohibit Government subsidization for breaking up land in four high erosion land capability classifications. This would allow farmers and USDA to direct their efforts to reclaim land that is currently being damaged by erosion. The Federal Government must not encourage the plowing of land that is vulnerable to erosion.

In my State of South Dakota, last year 8.5 million acres of land were eroded at an unacceptable rate. Much of this erosion is occurring on land that should never have been broken. Between July 1, 1974, and June 30, 1982, almost 1 million acres of native grassland was converted to farmland in South Dakota alone. While much of this land is not fragile and susceptible to erosion, many acres are. In summary, almost 2 million of the 12 million total acres of vulnerable grassland in South Dakota have been broken. To an extent, this has been done to earn a short-term profit and with the support of USDA programs. Without Federal programs, there would be less incentive to farm these marginal lands.

To illustrate the erosion problem of this fragile land, nationwide only 10 percent of the land now under cultivation is in the highly vulnerable category, but it accounts for one-fourth of the

soil lost to erosion every year. Farmers are having great economic difficulties, but continued Federal support to plow these lands will only hurt farmers in the long run. It is irresponsible to allow Federal support to grow crops on these acres.

Mr. Chairman, thank you once again for holding this hearing and I urge your Committee to report this legislation to the full Senate in the near future. I appreciate having the opportunity to express my views and look forward to working with you on this measure.

STATEMENT OF HON. DALE BUMPERS
A U.S. SENATOR FROM ARKANSAS

I commend the Agriculture Committee for holding this hearing on S. 663, commonly referred to as the Sodbuster bill, and Senator Armstrong for his untiring work on this measure which prohibits the payment of federal agricultural incentives to producers who convert highly erodible land into agricultural production. I appreciate the opportunity to offer my views.

I agree with Senator Armstrong that we are ignoring the hard lessons we learned from the Great Dust Bowl, and that we must act now to preserve the thin layer of topsoil on which human life depends.

Erosion of agricultural land is a national problem. According to the Soil Conservation Service, over five billion tons of topsoil erode from our crop production land every year. Of the 413 million acres already in production in this country, over 100 million suffer from severe erosion at rates above the level of erosion that can be allowed and the soil still maintain its productivity in perpetuity. Arkansas is losing 50 million tons to topsoil every year, an average loss of 6.5 tons per acre. Between one-third and one-half of this amount enters Arkansas' lakes, rivers, and streams, and is a major contributor to our water pollution.

When cotton was truly king in Arkansas, the thousands of marginal and highly erodible acres that were in cotton production led to the devastation we remember as the Great Dust Bowl. Arkansas has been fortunate that much of this acreage has been returned to grassland and forestland for which it is better suited. However, according to the 1977 Soil Conservation Service National Resource Inventory, over 93,000 acres of Arkansas cropland remain in 4e, 6e, 7 and 8 classification as non-desirable cropland requiring intensive management to overcome serious erosion liabilities. According to the same survey, Arkansas has 1,815,000 acres of grassland and 5,964 acres of forestland in these same classifications. Over 279,000 acres of this marginal cropland in Arkansas have medium or high potential for conversion into cropland. It would be a crime if federal agricultural incentives led to the conversion of this highly erodible land into cropland. These acres have marginal agricultural value, and the Soil Con-

servation Service believes they could never be returned to quality grassland or forestland once it has been used as cropland.

Yet, Arkansas is only a small part of the greater national problem. Roughly 250 million acres of highly erodible land could be put into production, thereby escalating our already massive erosion problems and eventually threatening our very existence.

Again, I commend Senator Armstrong for his foresight and commitment to conservation. I supported his Sodbuster amendment in September 1982, and I am pleased to join this bipartisan effort today.

STATEMENT OF HON. ORRIN G. HATCH
A U.S. SENATOR FROM UTAH

Mr. Chairman, I would like to thank you for calling this hearing today on S. 663, commonly referred to as the Sodbuster Bill. I would also like to commend Senator Armstrong for his continuing efforts to secure passage of this legislation, and am confident that his efforts will be rewarded.

S. 663 is a very simple piece of legislation and one which I am proud to co-sponsor. The bill is designed to prevent further development of the nation's fragile and highly erodible grasslands by witholding the right to participate in traditional farm incentive programs from those who wish to place such land into agricultural production.

Currently, farmers may participate in government programs when they cultivate erodible land, even though in most cases the land is not as productive as other soil. If the crop is successful, the farmer is guaranteed a price under the price support program, and if it is unsuccessful, the farmer can rely on disaster payments.

This bill will remove such incentives to produce on lands susceptible to crop erosion, but will not deter farmers from doing so on their own. The bill will simply remove the right to participate in government subsidy programs should the farmer chose to develop land which is highly erodible without employing appropriate conservation techniques.

Estimates indicate our nation is losing approximately five billion tons of top soil a year from erosion. We learned in the 1930's the disastrous consequences neglect of soil can cause. Our foresight today can be immeasureably useful in preventing a similar type of disaster tomorrow.

Every major agricultural and conservation group recognises the wisdom of this legislation and is supportive of it. I am hopeful and confident that it will secure passage from both Houses of Congress.

I understand there may be a need for some technical amendments and fine tuning before this bill passes and am certainly open to and welcome any suggestions which would technically improve this bill.

Once again, Mr. Chairman, I wish to commend you for your involvement with this issue and the expeditious way in which this bill has be brought before the Committee.

Thank you very much.

Statement of
Peter C. Myers, Chief, Soil Conservation Service
and
Everett Rank, Administrator, Agricultural Stabilization and
Conservation Service

Mr. Chairman and Members of the Committee, I am Peter Myers, Chief of the Soil Conservation Service. Everett Rank, Administrator, Agricultural Stabilization and Conservation Service, is also here and will have some comments later. We are here to present the views of this Department on S. 663.

The Department of Agriculture supports S. 663 introduced by Senator Armstrong and notes the bill is sponsored by nineteen other Senators including five members of this Committee.

This bill would deny certain USDA program benefits to farmers who produce crops by annual tillage on highly erodible land. Such farmers would be denied the following benefits:

- price supports on the commodities produced;
- facility storage loans for the commodities;
- federal crop insurance on the commodities;
- disaster payments for the commodities; and
- new FmHA loans that would result in excessive erosion on highly erodible land.

If the commodity is produced on highly erosive land using a conservation system approved by the local soil conservation district, then these benefits would not be denied to the farmer. Nor would the bill apply to any highly erodible land that has already been cultivated in any year from 1973 through 1982.

The Department of Agriculture believes that farmers and ranchers should determine what types of commodities they produce and where. However, the programs named in S. 663 may in certain instances operate to encourage farming operations to start annual tillage on lands that are generally unsuited to being tilled because the soil is fragile and thus highly prone to wind and water erosion. This Department does not intend its programs to become incentives for the unwise use of land. In the National Soil and Water Conservation Program, sent to Congress in December 1982, the Department

said it would work to increase the consistency between USDA's general farm programs and conservation objectives. This legislation is in line with this aspect of our Department's program.

At this time, I would like to address some of the questions we have heard concerning how the Department would administer this legislation.

First, how would compliance be handled? It would be very difficult and expensive for us to check compliance in the field of every producer who participates in these programs. We believe it is essential that the agencies administering the programs named in the bill be allowed to accept producer certification. This would mean that producers applying for these programs would indicate whether they intend to cultivate any land not cultivated since 1973. These certifications would be spot checked. We believe this should be addressed in the Committee report so that it would be part of the legislative history accompanying this bill.
The Agricultural Stabilization and Conservation Service (ASCS) makes extensive use of aerial photography and ground spot checks to determine compliance. This year about 22 percent of all participants in acreage reduction, paid diversion, or PIK programs will be spot checked. This, and the general knowledge of local conditions by ASC County Committees, Soil and Water Conservation District Boards, and field employees of the Soil Conservation Service, Farmers Home Administration, and Federal Crop Insurance Corporation should ensure compliance.

We believe a key element in administering this program will be getting information to farmers and to potential buyers of highly erosive lands. We will make an intensive effort to ensure that farmers and ranchers are aware of the provisions of this legislation.

Second, some questions have been raised concerning the definition of highly erodible lands as Land Capability Classes IVe, VIe, VII, and VIII. The Capability Classification System was developed by the Soil Conservation Service in cooperation with soil scientists in universities and other government agencies. It has been in use many years and can be easily applied at the field level. Land in the capability classes named in the bill is the most susceptible to erosion. Lands in Class IVe have very

severe limitations for use as cropland and require careful management to prevent excessive erosion. Those in Classes VIe, VII, and VIII are generally unsuited to cultivation. There are other lands in Capability Classes IIe and IIIe that can suffer severe erosion if not treated properly. However, these lands are generally suited for cultivated crops and they are not covered by this legislation. We know this bill will not prevent erosion on all lands being brought into production. We do think the bill is targeted to the most erosive soils and that these are the proper ones to address in this fashion.

Third, some questions have been raised because soil survey maps are not available on all lands that might be affected by this legislation. We estimate that 75-80 percent of such lands are soil mapped. I have made a commitment that the Soil Conservation Service will provide a qualified person to make a determination in those instances where soils information is needed to determine the capability class for purposes of this legislation.

The SCS will also place a high priority on providing technical assistance, through local soil conservation districts, to producers who wish to cultivate their highly erodible lands under an approved soil conservation system. We believe this is appropriate since the highest priority for all USDA conservation programs is the reduction of erosion on productive agricultural lands.

Fourth, what about fields that have only part of their soil meeting the definitions in the bill? The bill provides that the Secretary will determine the predominant capability class for a field. This would allow reasonable judgment to be exercised in cases where only a very small or insignificant portion of a field would fall under the bill's definition of highly erodible. This matter would be addressed in the Department's regulations to implement this legislation.

Fifth, what is the extent of the conversion to cropland and what would be the impact of this legislation? Unfortunately, we do not have reliable national data on this problem; however, we do have information from certain States.

In South Dakota SCS has been estimating cropland conversion since 1974. During the eight years from 1974 through 1982, we estimate over 600,000 acres of land in Capability Classes IVe and VI were converted from grasslands to crops. In Colorado the rate is even higher. SCS estimates indicate that about 500,000 acres were plowed up in the three years from the spring of 1979 to the spring of 1982.

The 1977 National Resources Inventory shows that the erosion rate of cropland in Capability Classes IV and VI is dramatically higher than the rate on the better classes. We do not know how much of this erosive grassland will be plowed in the next few years, so consequently we do not know to what extent this legislation might slow that process. But if this bill is enacted, at least these USDA programs will no longer be encouraging such conversions.

Mr. Chairman, on December 2, 1982, the Secretary of Agriculture wrote to Senator Armstrong expressing the Department's support for the legislation he attached to our appropriations bill in the 97th Congress. At that time, we suggested a number of amendments necessary for proper administration. Senator Armstrong has incorporated all our suggestions in S. 663. However, during preparation of the new bill, some wording from subsections (c)(2) and (c)(3) was inadvertently placed in subsection (c)(1). This changed the meaning of subsection (c)(1). We have discussed this with Senator Armstrong's staff and they agree with this technical correction. We will be happy to provide the Committee with assistance to make the corrections.

Let me emphasize in conclusion that this bill will not necessarily prevent all unwise plow-outs on lands that are poorly suited to cultivated crops. Landowners may decide to use their land in this way and as long as they are willing to forego various USDA programs, they are free to do so. This bill, however, will insure that USDA's farm programs do not play a part in encouraging excessive wind and water erosion on our nation's most fragile soils.

STATEMENT OF BRUCE HAWLEY, ASSISTANT DIRECTOR, WASHINGTON OFFICE, AMERICAN FARM BUREAU FEDERATION

The American Farm Bureau Federation is a general farm organization in 48 states and Puerto Rico. Farm Bureau membership exceeds 3.2 million member families. Farm Bureau membership produces virtually every type of commodity grown on a commercial basis in the country.

Within the past few weeks, there have been many reports from across the country of major natural resource problems brought about by unseasonably high rainfalls. These extraordinary events cannot be predicted; and within limits, the soil erosion they cause cannot be prevented. However, some types of erosion problems in this country, can be anticipated and can be prevented. We are referring to lands that are highly erodible in nature and almost certainly subject to devastation should they be brought under the plow.

Throughout much of this country there are areas of fragile grasslands historically left in grass because they are unsuitable to sustain long-term annual agricultural production of conventional tilled row crops and grains. The economic pressures of our times are causing some farmers to make decisions in their short-term economic best interest that are not in the long-term best interest of this type of land. These pressures are compounded by government subsidies and other incentives that cause some farmers to press these grasslands into production. We call upon this committee to pass legislation to eliminate these government subsidies for fragile grasslands that have not been in production for the past 10 years, to eliminate this recent trend.

At the most recent annual meeting of the American Farm Bureau Federation in January of 1983, the voting delegates of the member state Farm Bureaus adopted the following policy:

> "We oppose economic incentives to artificially stimulate producers to bring fragile lands under cultivation. Fragile grasslands are defined as those lands highly subject to wind and water erosion that have a projected erosion rate in excess of 5 tons per acre per year in the absence of soil conservation practices."

S. 663, introduced by Senator Armstrong and twenty others on February 23, 1983, is, in our opinion, responsible legislation that well addresses a serious national problem. Farm Bureau supports this bill and urges its passage.

We recommend two minor modifications of the legislation as proposed. We think it helpful to make a clarification in the definition of the term "highly erodible land" to make sure that the bill focuses directly on grasslands. These lands, because of their unique characteristics are highly subject to both wind and water erosion and are particularly in need of the protection afforded by this bill. In some areas of the country, there are forested lands that might

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inadvertently be included under the terms of this bill as it now stands, although it is not the intention of this bill to include timbering activities.

We would suggest a modification of the language in Subsection C (1) to make clear that the reference is to any land upon which an agricultural commodity was planted by any person during the 1973 - 1982 crop years. The language as currently drafted appears to refer only to the commodity and not to the utilization of the land in question during the previous 10-year period. We would, however, encourage the retention of the 10-year period to make clear that land currently in production of long-term rotational crops, such as irrigated alfalfa, IS not intended for inclusion in the bill. With these two minor modifications, Farm Bureau is pleased to support the bill, and urges its passage.

We would be happy to respond to any questions.

(The following information was furnished by Ervin Mitchell, National Association of Conservation Districts.)

QUESTIONS AND ANSWERS
about the "Sodbuster Bill"
S. 663

1. How can USDA know when a person should be disqualified from participating in a program on the basis of this legislation?

For the affected programs, USDA will need to require applicants to certify that "none of the land that will be used to produce commodities affected by this application has been converted from non-cropland to cropland use after (date of law)."

The vast majority of program participants will certify that their land is not new cropland. Intentional fraud can be picked up by minimal spot-checking, combined with local knowledge of Conservation District officials, ASC and FmHA Committees and USDA agency personnel.

The person who cannot make the certification will need to respond to some additional questions as part of the application process. He/she can qualify for program benefits where new land is involved by:

A. demonstrating that the predominant land class for the fields involved has been determined by SCS, and is not IVe, VIe, VII or VIII.

B. demonstrating that the land was used for the production of agricultural commodities in any crop year 1973-1982.

C. demonstrating that a conservation system approved by the local conservation district is in place or certifying that it will be in place during the period of time while the program being applied for is implemented.

2. How can the Land Capability Class be determined?

These are listed in the "Technical Guide" for the conservation district prepared by SCS. They are based on soil surveys.

3. What if soil surveys are not available?

In some cases, SCS technicians can determine capability by old surveys or other information, including an on-site examination. On borderline cases, SCS may need to arrange for a soil survey before the determination can be made.

4. What is the reason for the "conservation system" exemption in Section (c) (5)?

This allows a person to farm new marginal lands, or fields containing significant percentages of marginal soils, where they are willing to establish the type of conservation system that will allow these lands to be farmed without excessive soil erosion.

5. Can a farmer get assistance in developing such a system without undue delay?

Any farmer who applies to the conservation district for assistance in planning and installing a conservation system to allow bringing new land into production will be assisted as rapidly as possible. This will be a high priority for both SCS

and conservation district employees. Time delays should be minimal, particularly if farmers are informed of the requirement and seek the planning assistance prior to or as part of bringing the land into production.

6. Who will make the decision as to the practicality and effectiveness of the proposed conservation system?

The bill calls for that decision to be made by the conservation district governing body -- a locally-elected or appointed body charged under state law with establishing local conservation programs and standards. Districts have an agreement with SCS under which SCS will provide appropriate technical standards under which the district can make the decision. Such standards establish a basic minimum on technical grounds, with district officials then able to recognize practical considerations or local exceptions that need to be made.

7. How many areas exist where there is no conservation district?

There are a few counties in central California, Missouri and Florida that do not have conservation districts -- about 20 counties in all. Some are significant agricultural counties, some are not. In the vast majority of counties, districts can be a significant aid in implementing this program.

In all areas, however, conservation districts are creatures of state law, and can be formed or disbanded by local elections. Therefore, it is fitting that the bill have an "escape" clause for those areas which do not have a district so that no farmer is prevented from participation in a national program because of a local situation.

8. Is the problem addressed in S. 663 one of national scope, or is it limited largely to the Great Plains?

The problem posed by farming marginal or unsuited lands is national in scope. The 1977 National Resource Inventories estimated there were 41 million acres of Classes IVe, VIe, VII and VII land being cropped; 33 million of which were in cultivated crops (as opposed to occasionally improved hayland and pasture or orchards). Such lands existed in every region, and were consistently associated with the highest levels of soil loss experienced in the region. Many of these lands were converted into cropland in the expansionary period of 1973-76, it appears.

In the early 1980's, plowout of marginal lands has become a critical concern in the semi-arid lands of the Great Plains, where vast acreages of grassland still exist. Other parts of the Nation seemed less involved, but there are scattered reports of new cropland development on marginal lands from all over the country. This was particularly noticable before the set-aside programs for wheat and feed grains were instituted in 1982. The exact amount of land involved is not known, but new 1982 NRI figures to be released by SCS in late 1983 should give an indication.

9. Why do we need such a program while we are holding down production with a PIK set-aside program?

While the sodbuster bill will not "undo" what has been done, and may not have a great deal of effect while the Nation is under tight commodity controls to reduce surpluses and buoy farm prices, it will set a procedure in place that can be effective when the cycles repeat, and U.S. agriculture is again called to fuller production to meet domestic and world demand.

PROPOSED TECHNICAL AMENDMENT
to S. 663

S. 663 contains a change from the amendment placed on the 1983 Agriculture Appropriations bill in the Senate last year that could lead to serious confusion as to the intent of the bill.

Subsection (c) (1) in the original version read as follows:

(c) Subsection (b) shall not apply to--

(1) any land which was cultivated by a person to produce any of the 1977 through 1982 crops of agricultural commodities;

In S. 663, that is changed to read:

(c) Subsection (b) shall not apply to--

(1) any agricultural commodity planted by a person to produce any of the 1973 through 1982 crops of agricultural commodities;

Where it was clear in the original that the exclusion applied to land upon which cropping had been carried out in the past, the S. 663 version appears to apply to commodities themselves.

Since subsections (c)(2) and (c)(3) exempt commodities planted or harvested in prior years, and it is the stated intent of the sponsors to provide an exemption for land that has been in cropping in the near past (so as to allow land in grass, pasture or hayland rotation to return to crops as part of regular rotations), it appears a return to the original language is in order.

Since it appears that agreement has been reached to change the period of allowable rotation from 5 to 10 years, subsection (c) of S. 663 should be amended to read as follows:

(c) Subsection (b) shall not apply to--

(1) any land which was cultivated by a person to produce any of the 1973 through 1982 crops of agricultural commodities.

STATEMENT OF NORMAN A. BERG, SENIOR ADVISOR

AMERICAN FARMLAND TRUST

Mr. Chairman, I am Norman A. Berg, Senior Advisor, American Farmland Trust. Mr. Douglas P. Wheeler, President of the Trust, headquartered in Washington, D.C. asked that I present this statement.

Mr. Chairman, members of the Senate Committee on Agriculture, Nutrition and Forestry we appreciate this opportunity.

In the interest of your time, Mr. Chairman, and with your permission, I request that the full text of the statement be made a part of the record of the hearings.

The American Farmland Trust (AFT) is a nonprofit organization dedicated to the protection and conservation of American farmlands and of farming opportunities.

Now over 20,000 members strong, AFT works for an appropriate balance between the protection of prime agricultural lands and the responsible development of less productive lands. We support a healthy and diversified agricultural industry in recognition that it is the farmer who makes the land produce. AFT represents common ground upon which agriculturalists and conservationists, businessmen and scholars, public officials and private citizens work together to safeguard the land that feeds America.

Our program objectives are: to demonstrate private land conservation techniques, to help develop appropriate public policies, and to inform the public about the need to protect farmland.

In striving to fulfill its charter purpose. AFT has steadfastly adhered to the "middleground" course on which it embarked two years ago. Charter members will recall that a middleground approach to keeping prime land available for farming implies a synthesis of those conservation strategies -- whether adopted by government with popular consent, or initiated by the private sector -- which are most appropriately applied to individual circumstances. In another sense, the middle ground occupied by AFT also represents common ground for all who share our commitment to safeguarding the future of American agriculture.

AFT relies on private contributions for the financial support of its activities. This enables AFT to remain independent and responsive in meeting the challenges of private farmland conservation and public policy.

On May 6, 1982 Senator Armstrong's bill (then S. 1825) was the subject of hearings chaired by Senator Jepsen of Iowa before this Committee. That bill was an attempt to slow the plowing of fragile land in the West. It would have made crops grown on land West of the 100th Meridian -- which had not been cropped in 10 years -- ineligible for commodity programs unless such lands were under a long-term agreement for conservation treatment.

Subsequently, as an amendment to the 1983 fiscal year USDA appropriation bill, 69 of the 98 Senators voting favored the measure. The record, however, shows that the Conference Report of

December 10, 1982 (making appropriations to accompany H.R. 7072 for the Agriculture, Rural Development and related agencies programs for the fiscal year ending September 30, 1983) deleted the Senate language regarding production of agricultural commodities on highly-erodible land which would prohibit payments and loans by the Commodity Credit Corporation and other funds under certain conditions. The issue therefore, still needs to be resolved as a substantive legislative action as soon as possible.

As you know, most bills that pass Congress and become law result from a process of problem identification and institutional response that stretches over many years. We feel that S. 663 is a bill whose time has come for enactment into law, policy, and early implementation.

It is extremely troublesome that over 40,000,000 acres of highly-erodible land (Classes IVe, VIe, VII and VIII) are already considered as "cropland" by virtue of having been plowed and planted to certain commodities and therefore determined as qualified and eligible for federal subsidies. There are also another 52,000,000 acres of highly-erodible land in the Class IIe, and IIIe category.

I would like to raise one area of concern that I have detected in reviewing the provisions of S. 663. That involves the definition of "highly-erodible land" as set forth in Section (a)(2). As you well know, the Soil Conservation Service has for years used the Land Capability Class System as the basis for the development of conservation plans so useful to thousands of American farmers. Developed and refined over many decades, the system classifies land according to its most suitable use for sustained agricultural production, with the most "capable" land in Classes I through IV (suitable for cultivation and other uses) and the land with restrictive attributes (generally not suited to cultivation) in Classes V through VIII. In addition, subclass indicators identify land with specific probblems with erosion susceptibility being a serious limitation to the production of major crops. The capability system has proven very useful in farm planning because it is straightforward and introduces landowners and farm operators to the details of soil surveys which contain valuable information about specific soils.

My specific concerns with S. 663 and its definition of "highly-erodible land" relates directly to the capability classifications.

Recently, with the completion of the National Resource Inventory (NRI) by SCS in 1977 and the latest in 1982, it has become clear that modifications of the capability class system may be needed to incorporate more accurate estimates of soil erosion rates. In essence, the data strongly suggests that the land capability class system understates the erosion hazard on a considerable amount of land that is conventionally thought suitable for cultivation and is so classified.

Therefore, it is important that strong consideration be given by this Committee to modify the definition so that the local district conservationists and technicians on the soil and water conservation district staffs be given sufficient flexibility to make this determination on [those] highly-erodible soils. I would be happy to work with the Committee staff to prepare the necessary language for slightly amending S. 663 and would also be pleased to provide greater documentation on the depth of this particular feature of the bill that could be strengthened.

This whole problem has occurred for many reasons over a long history of changes in land use. It is, however, a reflection, to date, of our Nation's inability to ensure that USDA programs, designed to enhance production of certain commodities, do not destroy the valuable land and water resources of rural America.

Now we are observing the impact of the 1983 Payment-in-Kind (PIK) program on land use decisions. Hopefully, sound conservation practices, although temporary, will be applied to these highly-erodible acres. The longrange task is to be more certain these lands do not return to highly-erodible uses except in time of dire national need. This is one important matter we look forward to addressing when you have scheduled hearings on the broader soil and water conservation programs still needed.

Meanwhile, althought this measure (S. 663) will not stop soil erosion, it will stop the federal government from subsidizing serious soil loss from those millions of potential acres that are still so vulnerable to being newly ripped out of grass or trees under present policies.

The National Agricultural Lands Study emphasized that the face of America's nonfederal landscape is continually changing. Agricultural land that had earlier produced a variety of crops has been and

is still being converted to space for living, working, and leisure. This happens because land best suited for agriculture is also prime for other uses. The result is that between 1967 and 1977 about 29 million acres, mostly agricultural, shifted to urban and built-up uses. This, in part, has led to intensive agriculture expanding to more marginal areas and at the expense of other fragile resources.

We are dismayed that USDA has not as yet implemented the Farmland Protection Policy enacted into law by P.L. 97-98. This farm bill signed, by the President, on December 22, 1981, gave the Secretary until June 22, 1981 to develop and issue the guidelines. These long delayed rules are intended to encourage federal agencies to plan their projects so as to avoid taking prime farmland out of agriculture. Several states have taken positive action to get their house in order.

On land use matters there may be more opportunity for effective local action than many county governments realize. In Weld County, Colorado, for example, foreign investors and some local farmers last spring were plowing up some of the area's most fragile grasslands to plant wheat. Residents feared another Dust Bowl.

Last May, the Weld County Commissioners passed an ordinance stipulating that anyone wishing to plow rangeland that has remained unbroken during the last 5 years must submit to the county a legal description and map of the proposed plow-out site and obtain a permit before plowing could commence. A conservation plan for the land also must be approved by local conservation agencies.

The penalty for plowing without a permit in Weld County can be $500 for each day of non-compliance and 30 days in jail.

I understand nobody has spent time in jail yet for plowing his land, but the indicriminate plowing of fragile lands has stopped. Applications for permits have been coming in and several have been granted. District conservationists are busy reviewing conservation plans in the county, which contains several conservation districts.

AFT is nearly ready to report on the first phase of "A Search for Solutions". This study assessing the efforts of public agencies to reduce soil erosion sought answers by farmers on what conservation practices they were using and why - or why not - in the absence of use. A pivotal part of the study was the personal interviewing of several hundred landusers in key counties in 6 states, including

Colorado and Iowa. These diverse areas were all characterized by high levels of soil loss. A final objective was to find out how farmers felt about different public policy options for controlling soil erosion that are being explored by public agencies.

Overall, the farmers who participated in the AFT survey responded to about 90 questions, some designed to allow them to be categorized by the size of their operations, the crops they grow, their income and debt levels, etd., and others intended to find out about their attitudes toward soil conservation. Computer-tabulation allows their responses about conservation to be compared with the factors that describe their circumstances, which in turn can be analyzed to determine what obstacles to effective soil conservation they may face. Ultimately, the objective ofthe AFT study is to recommend how government programs can be fine-tuned to provide incentives to farmers, however situated, that will encourage maximum erosion prevention at the least cost. Some of the preliminary findings suggest that the nation's farmers would favor changes in government soil conservation policies.

Of the farmers surveyed, 71 percent believe that farmers should have to repay funds they receive from the government to install soil conservation improvements -- grassed waterways, terraces, shelterbelts of trees, etc. -- if those improvements are later removed or not maintained. According to AFT's Robert J. Gray, who heads the soil project, hundreds of millions of dollars worth of conservation improvements were destroyed during the mid-1970's when many farmers began to plant "fencerow to fencerow" in response to the upswing in demand for U.S. farm exports occasioned by the Russian grain deal. The federal government shared roughly half the cost of many of these improvements, which in some cases had been installed to combat erosion in the 1950's.

On the question of whether fines should be levied against landowners who permit excessive erosion to occur on their farms, 36 percent of those surveyed favored this approach to conservation, but a somewhat higher 43 percent opposed it. Approval of such penalties varied greatly, from a high of 57 percent to a low of 16 percent of the farmers within the different regions AFT surveyed, implying that this seldom used conservation technique could be acceptable if locally administered.

One area, the Cope Soil and Water Conservation District of Washington County, Colorado is made up of 553,933 acres. Dryland cropland accounts for 279,994 acres and range makes up 247,098 acres. Soil loss from both wind and water erosion range from three to forty-five tons per acre per year. The average soil loss is estimated to be nine to ten tons per year with approximately four tons from the forces of wind and five tons from the effect of water. Throughout Washington County in 1978, wheat accounted for thirty-six percent of the cropland.

129 farmers and ranchers were interviewed in Washington County last fall. In that questionnaire dealing with farmers attitudes towards imposing conditions on the receipt of government money the answers on their policy position permitted a range of the landuser's reaction from "strongly agree" to "strongly disagree". Their answers were: "strongly agree" and "agree" -- 60.5%, "undecided" -- 10.1%.

These grassroots reactions help confirm what Secretary John Block told the NRCD Board of Directors, on March 21, 1983, "there are signs of growing acceptance -- at least in limited circumstances -- of the concept of cross-compliance. Support for the Armstrong bill to discourage grassland plowouts is an example."

Earlier indications public participation work related to the RCA process showed a gratifying degree of support for getting the federal house in order. 80% favor closer cooperation and budget coordination among USDA conservation agencies. Most important from the view point of the adult population of this Nation the independent poll by Louis Harris and Associates, that I contracted for while with SCS, found that 75% of the respondents said USDA should not provide benefits to farmers who do not properly care for and protect soil and water resources.

Society places a very high value on the quality of the environment, and conservation of water, air, and land resources. The concern for land resources and how they are to be used in the future brings us together today. We support S. 663 and urge its early enactment into law.

STATEMENT OF NORMAN A. BERG, WASHINGTON REPRESENTATIVE
SOIL CONSERVATION SOCIETY OF AMERICA

Mr. Chairman, I am Norman A. Berg, Washington Representative of the Soil Conservation Society of America. Mr. Walt Peechatka, Executive Vice President of SCSA, with headquarters in Ankeny, Iowa asked that I present this statement.

Mr. Chairman, members of the Senate Committee on Agriculture, Nutrition and Forestry we appreciate this opportunity. The SCSA intends to increase its visibility in our Nation's Capitol and we will seek out the chance to be heard on soil and water conservation issues of concern to our 13,000 members.

The thrust of S. 663 represents one of those areas wherein SCSA will offer its knowledge and support. In the interest of your time, Mr. Chairman, and with your permission, I would ask that the full text of SCSA's statement be inserted in the record of these hearings. This describes the mission of SCSA and reflects our long standing concern for and dedication to the science and art of good land use. As a Charter member and Fellow of the Society and former Chief of the Soil Conservation Service I learned long ago that the task of combating soil erosion, or any soil and water conservation problem, is a complex challenge with no fast or simple solution. It is also a never-ending task that needs constant care, maintenance and updating for new conditions.

Therefore, we commend those who have elevated the problem of soil erosion-caused by Federal government programs-to this level of concern. Denying federal economic incentives for crops grown on newly plowed land that should remain in grass or trees because of its limited capability for intensive agriculture has had our support for a long time.

The Administration's "National Program for Soil and Water Conservation" presented to Congress on December 22, 1982 by the President as the blueprint for the future for soil and water

conservation has this statement on page 33 under improved program management.

> " -- Increasing consistency between USDA programs and conservation objectives. -- All the Department's programs will be evaluated for their consistency with conservation aims. For example, USDA will access the effects that production adjustment and agricultural income support programs have on soil and water conditions. USDA will change programs that tend to condone or subsidize land uses that deplete resources. USDA's Natural Resources and Environment Committee has the leadership for ensuring that USDA programs support the Department's objectives for resource conservation".

We commend this USDA statement of good intentions, and feel that S. 663 will help them do their job. In fact, without this legislation very little will happen in program and policy change to solve this matter within USDA.

Subsidies take many forms. Cash payments, tax breaks, below market credit, providing goods and services below market prices, buying goods and services above market prices, and regulatory actions that alter market prices or market behavior. The specific reasons for the existence of subsidies would fill volumes but all subsidies have two things in common. First, the government does not expect to be repaid. Second, there is a quid pro quo, that is, a change in market price, in the quantity of a good or service, or in market behavior that is expected to result from the subsidy. These changes may or may not come to pass, but change is nonetheless part of the reason for the subsidy.

Subsidies are not necessarily bad although the term is pejorative. A subsidy is bad only if it is not what the public wants or if the quid pro quo is "hollow", that is the subsidy promises a change that it cannot deliver.

We feel it's time to stop the federal farm program subsidies that have helped to make unwise land use decisions profitable. We know that nearly 41,000,000 acres of highly erodible land -- contributing 23% of the Nations annual soil loss -- will be "grandfathered in" and remain eligible for farm program

benefits. These problem areas need to be dealt with soon in a broader context as the Nation examines the total soil and water conservation effort.

However, the U.S. should not continue to add to an already serious problem. The potential for more of these type acres to be plowed out is substantial.

I've attached three figures to my statement that show:

Figure 1 -- The use of non-federal land in the U.S. including the Carribbean area (1977).

Figure 2 -- The land capability percentages for non-federal rural land (1977).

Figure 3 -- The percentages of soil in capability classes I - VIII, by farm production regions.

Projections of future U.S. land for crops depends on several factors including:

-- the growth of food demand including foreign trade;

-- the prospects for improved yields including rate of technology growth and adoption;

-- the condition of the resource base including soil and water;

-- the price of agricultural products; and

-- the tradeoffs of converting land now used for grazing and trees including the impact on the quality of the environment.

Estimates of the additional cropland that will be needed under a worst case scenario by 2000 range from 26 to 113 million acres. Total land suitable for continuous cultivation (Figure 2 - Classes I, II and III) totals about 200,000,000 million acres more than the 413,000,000 acres now identified as cropland (Figure 1).

However, (Figure 3) shows that the 10 regions are not equal in physical capability. Perhaps a total inventory of about 540 million acres of arable land is a more reasonable estimate. The USDA/RCA grassland and forestland (for potential cropland acreage) is actually less -- around 127 million

acres. This estimate will be improved with the 1982 NRI data. Therefore, we do not need the highly erodible land for cropland now and should not subsidize land use conversion in those capability Classes IVe, VIe, VII and VIII. S. 663 has the unqualified support of SCSA.

As I prepared this statement I was reminded that on February 15, 1951 USDA Secretary Charles F. Branman issued Memorandum 1278. It proved to be an important action needed to solve organizational problems that has plagued the Department since the beginning of the federal soil conservation programs. It gave each of the key USDA agencies a share of responsibility for soil conservation, while allowing each to retain its historic identity. That historic action stated:

> "The basic physical objective of soil conservation activities by Department agencies shall be the use of each acre of agricultural land within its capabilities and the treatment of each acre of agricultural land in accordance with its needs for protection and improvement."

Early enactment into law, policy and the necessary follow through for implementation of S. 663 should be in total harmony with that bold objective of over three decades ago.

Thank you for the invitation to this hearing. SCSA will help you in any way we can to make the "Sodbuster Bill" a reality.

The Soil Conservation Society of America is a nonprofit scientific and educational organization founded in 1945. SCSA is dedicated to promoting the conservation of land and water resources to the end that these resources may be used and enjoyed by mankind forever.

Our membership worldwide, now totaling more than 13,000, includes researchers, conservationists, educators, technicians, legislators, farmers and ranchers, local conservation officials and many other disciplines.

SCSA is governed by a Council consisting of seven officers and 10 councilmen. Our 1983 officers come from Oregon, Missouri, Oklahoma, Texas, and Ohio.

Periodicals published by SCSA include the Journal of Soil and Water Conservation and the "Conservogram." The Journal is a source of continuing education and technical information for members and nonmembers alike, including general interest articles, articles on policy matters, research reports, guest editorials, and commentary.

SCSA also publishes a variety of other materials. These include books, such as Soil Conservation Policies, Institutions, and Incentives, Remote Sensing for Resource Management, and the third edition of our Resource Conservation Glossary, as well as a series of educational cartoon booklets for students in the upper elementary grades.

When appropriate, SCSA develops position statements on timely, pertinent conservation subjects. Over the years, the organization has expressed its position on water resources, soil erosion and sedimentation control, land use, wildlife, conservation research, and a number of other issues. Currently under development is a position statement on acid precipitation.

The strength of SCSA exists within its 165 chapters throughout the United States and Canada. These chapters elect their own officers, create their own committees, and sponsor annual meetings, workshops, and numerous other conservation projects. SCSA is truly a local grassroots organization.

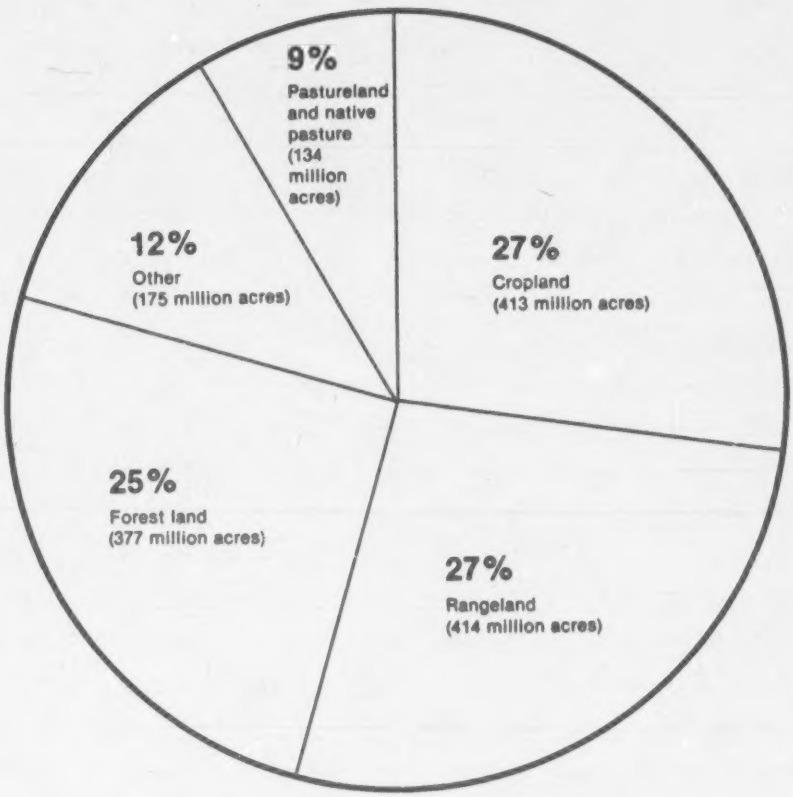

Figure 1.--Use of nonfederal land in the United States and the Caribbean, 1977.

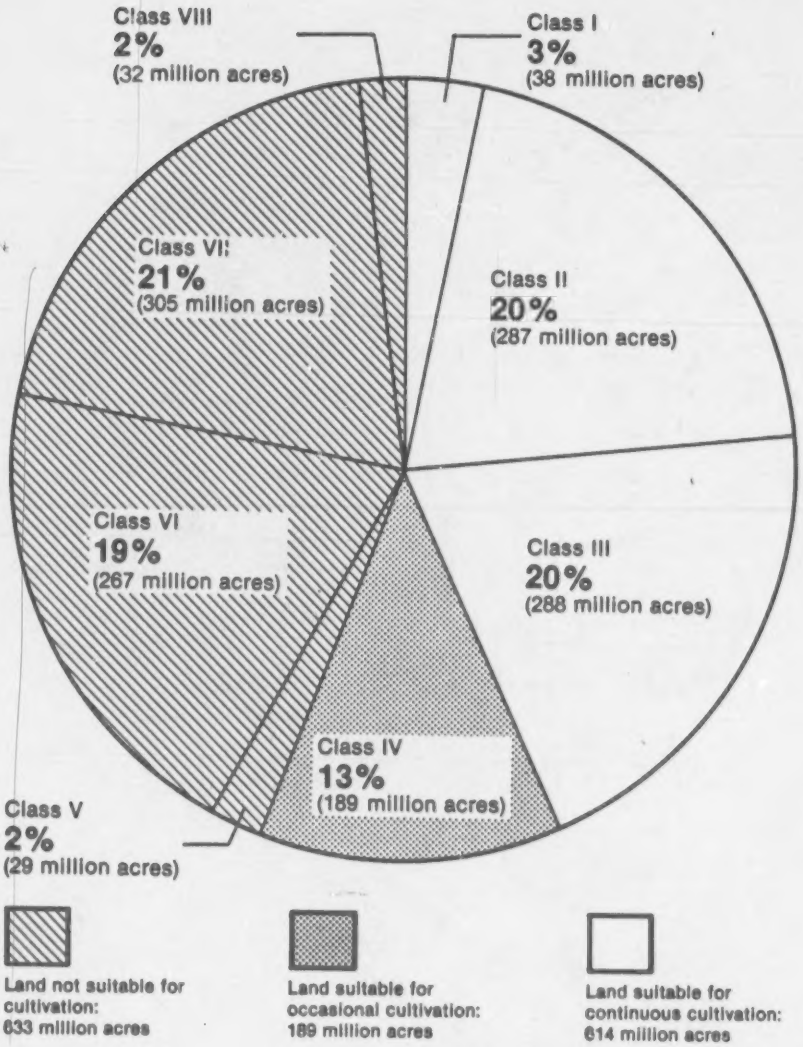

Figure 2. [illegible] capability percentages for nonfederal rural land, 1977.

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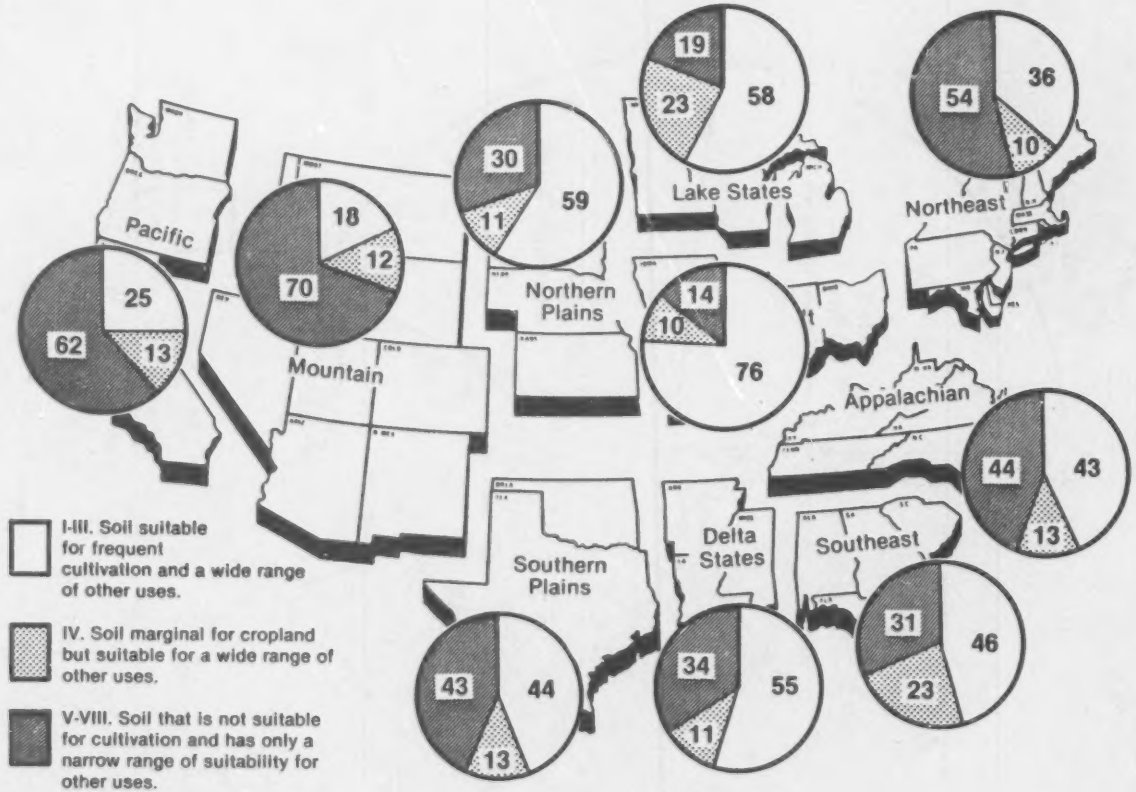


Figure 3.--Percentages of soil in capability classes I-VIII, by farm production region.

STATEMENT OF LEON SILKMAN, PRESIDENT, COLORADO ASSOCIATION OF CONSERVATION DISTRICTS

Mr. Chairman and members of the Senate Agriculture Committee, I am Leon Silkman, President of the Colorado Association of Soil Conservation Districts and a farmer from Burlington, Colorado. I am presenting testimony in support of S. 663.

Almost a year ago, we presented testimony in support of Senate Bill 1825 before the Subcommittee on Soil and Water Conservation and Agricultural Production of the 97th Congress. Much of what is included in my statement this year is new material. Some will duplicate material I submitted a year ago. I shall bring you up-to-date with developments in Colorado since May 6, 1982. I have revised statistics concerning the magnitude of the continuing problem. There is evidence indicating some success with local controls. And, finally, I will present some data concerning the soil-loss tolerance of much of the lands to be impacted by S. 663.

On May 6, 1982 Governor Richard Lamm declared a moratorium on the plowout of additional marginal lands in Weld County, Colorado. The moratorium was to be for 14 days, enabling the Weld County Commissioners to pass Land Use Ordinance No. 108 to prohibit the plowing of grasslands without a permit, and an accepted Conservation Plan approved by the local soil conservation district. Attached to this statement, you will find a copy of that Ordinance.

Other counties are now undertaking similar actions. Because Weld County is the only home rule agricultural county in Colorado, the other counties have been considering zoning regulations which would accomplish much the same thing. Adams County is holding hearings upon such a zoning ordinance this week. Prowers County has also held some meetings preparatory to adopting zoning regulations. Several other counties are

well along in the process of examining their regulations. These local controls help to place responsibility and penalties upon the violating landowner, and Federal regulation is also needed to remove the opportunity of farming government programs.

During March we brought our records up-to-date on the plowout. As of December 31, 1982 the following acres of Class IV, Class VI and Class VII soils had been broken out in the past five years. There has been 283,444 acres of Class IV soil broken in that period; 217,853 acres of Class VI; and 11, 429 acres of Class VII. This totals 512,726 acres of fragile grasslands which have been turned into marginal cropland over the past five years. Accompanying this statement you will find a county-by-county listing of the acres in each land classification. I believe that prohibiting certain agricultural incentives as is included in this bill is long overdue.

Now, I want to examine with you the Weld County Ordinance which has been in effect approximately 11 months. The ordinance functions in the following manner. A landowner desiring to plow grassland must present a soil conservation plan to the local soil conservation district for review and approval. Following positive action of the district board, the landowner then presents his request to the county commissioners for their approval of a permit to plow the land in question. During 1982, the Weld County Commissioners granted 7 permits of the 7 requested. As of April 9th of this year, 9 additional permits have been issued and not one has been refused. The soil conservation districts have insisted upon several conservation plans being altered from the original applications before approving.

Chuck Carlson, County Commissioner in Weld County says the ordinance is very effective. "We've discouraged landowners who might have otherwise plowed fragile grasslands," he says. The next step for the local soil

conservation district is to maintain some continuing contact with the permit holders to be sure they have adequate technical assistance to maintain their conservation plans. Removing price supports, loans and other agricultural incentives which tend to encourage land abuse, will be most helpful to the local district and the county commissioners.

One final item which I bring to your attention concerns what we call T-value. This is the maximum rate of soil erosion that will permit a high level of crop productivity to be sustained economically and indefinitely. Many of the soils involved in the fragile grasslands of Colorado have T-values of 1 and 2 tons per acre. Accompanying this testimony, you will find a list of some of these common soil types from Lincoln, Weld, Cheyenne and Kit Carson counties which have T-values of 1 or 2 tons per acre.

The grassland plowed last year by one specific landowner in Lincoln County has a T-value on 272 acres of 1 ton per acre per year. On 26 acres of additional land, the T-value is 2 tons per acre per year. No matter how intensive the management of these lands, they will not sustain long-term crop productivity.

SCS applied the Universal Soil Loss formula to these fields and estimated the following erosion losses:

(1) With no terraces and typical stubble mulch farm operations, erosion would total 13.1 and 11.7 tons per acre per year on the two fields in question.

(2) With terraces and stubble mulch, erosion would average 11.0 tons and 10.0, respectively.

(3) With contour terraces and minimum tillage, plus chemical weed control, erosion could be as low as 1.6 tons per acre based on an optimistic estimated yield of 15 bu/acre.

The conclusion was that even with the most intensive farming and conservation practices currently known, this land cannot be protected sufficiently from erosion to allow sustained crop production.

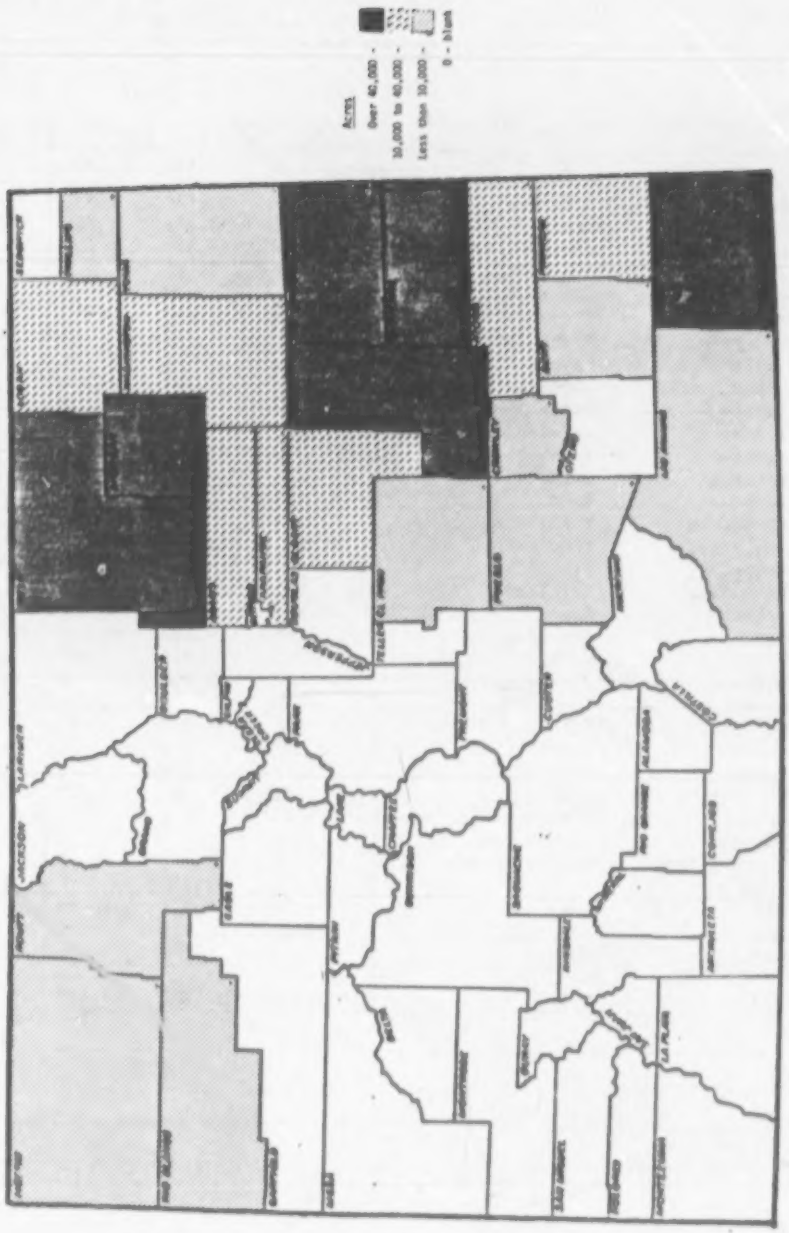
Now, what happens when this land must then be seeded back to grass. Research by Bill McGinnies with the Agricultural Research Service at Colorado State University in Fort Collins (see attachment) shows that natural revegetation of abandoned crop fields to shortgrass prairies requires 25 to 50 years.

If reseeding is attempted, more often than not, the seedings will fail. So, it is a costly and long-time proposition at best. Will the Federal government be willing to cost-share these grass seedings when the land shouldn't have been plowed in the first place?

These conditions have been duplicated time and time again in eastern Colorado. We feel S. 663 will help prevent future abuse or recurrence of extensive plowing of fragile grasslands.

Thank you.

COLORADO



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Report on Blowout of Fragile Grasslands
in Colorado
5 Year Period
1978-1982

COUNTY	RESPONSIBLE FIELD OFFICE	Land Capability Class IV	VI	VII	Total Acres
Adams	Brighton	8,290	10,470	1,540	20,300
Arapahoe	Byers	3,770	30,145	1,880	35,795
Baca	Springfield	54,300	3,820	1,620	59,740
Bent	Las Animas	0	1,160	0	1,160
Boulder	Longmont	0	0	0	0
Cheyenne	Cheyenne Wells	51,400	28,000	600	80,000
Crowley	Rocky Ford	1,103	5,168	49	6,320
Douglas	Castle Rock	0	0	0	0
Elbert	Kiowa	2,620	340	0	2,960
Elbert	Simla	11,075	520	0	11,595
El Paso	Colorado Springs	320	220	35	575
Huerfano	Walsenburg	0	0	0	0
Jefferson	Golden	0	0	0	0
Kiowa	Eads	14,760	6,865	85	21,710
Kit Carson	Burlington	3,081	0	0	3,081
Kit Carson	Flagler	26,560	11,360	0	37,920
Larimer	Ft. Collins	0	0	0	0
Las Animas	Trinidad	1,240	74	0	1,314
Lincoln	Hugo	13,500	52,000	2,000	67,500
Logan	Sterling	1,235	9,882	1,235	12,352
Moffat	Craig	392	3,042	499	3,933
Morgan	Ft. Morgan	16,000	24,000	0	40,000
Otero	Rocky Ford	0	0	0	0
Phillips	Haxtun	240	200	20	460
Prowers	Lamar	10,551	474	70	11,095
Pueblo	Pueblo	0	2,190	0	2,190
Rio Blanco	Meeker	2,732	63	231	3,026
Routt	Steamboat Springs	150	0	150	300
Sedgwick	Julesburg	0	0	0	0
Teller & Park	Cripple Creek	0	0	0	0
Washington	Akron	2,330	8,350	0	10,680
Weld	Greeley	57,195	19,310	1,415	77,920
Yuma	Wray	100	0	0	100
Yuma	Yuma	500	200	0	700
TOTAL		283,444	217,853	11,429	512,726

AR1892170

ORDINANCE NO. 108

IN THE MATTER OF THE ISSUANCE OF PERMITS FOR THE PLOWOUT AND CULTIVATION OF GRASSLAND IN WELD COUNTY, COLORADO

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF WELD COUNTY, COLORADO:

WHEREAS, the plowout of grasslands in Weld County has become a serious problem leading to soil erosion and dust blowing, and

WHEREAS, the Board of County Commissioners has determined that it is necessary to regulate the plowout of grasslands, and

WHEREAS, the Board of County Commissioners has formed a Committee of Citizens who reside in various parts of the County and who are directly involved in agriculture, and

WHEREAS, such Committee has given its recommendations to the Board for the regulation of the plowout of grasslands.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Weld County, Colorado:

B 0940 REC 01892170 05/20/82 10:09 $0.00 1/004
F 0981 MARY ANN FEUERSTEIN CLERK & RECORDER WELD CO, CO

ARTICLE 1

General Provisions

Section I - Purpose and Intent

(1) To insure that land-disturbing activities in areas containing privately-owned grasslands shall be conducted in a manner which will minimize damage to those resources for future use.

(2) To prevent soil erosion and dust blowing which results from improper soil management techniques.

(3) To establish certain requirements which must be met before the cultivation of grassland is permitted.

(4) To ensure that soil resources are preserved to the extent possible for the production of food for the present and future inhabitants of Weld County.

B 0968 REC 01892170 05/20/82 10.09 $0.00 2/006
F 0982 MARY ANN FEUERSTEIN CLERK & RECORDER WELD CO, CO

Section II - Authority

This Ordinance is adopted pursuant to Section 29-20-101, et seq., CRS 1973, entitled the "Local Government Land Use Control Enabling Act of 1974", and Section 30-35-101, et seq., CRS 1973, entitled "The Colorado County Home Rule Powers Act."

Section III - Definitions

(1) "Conservation Plan" means any plan developed by the landowner and the district which describes measures required to prevent, to the extent possible, soil erosion from occurring on the land for which the plan was developed.

(2) "Cultivation" means the practice of plowing or disking or any other mechanical preparation of the land for the purpose of producing a crop for harvest.

(3) "District" means any soil conservation district organized as provided in CRS 1973, Section 35-70-104.

(4) "Grassland" means land having a ground cover of grass and which has not been cultivated within the last five years.

Section IV - Applicability

(1) These regulations apply to applications for permits to engage in cultivation of grasslands.

(2) Any person seeking to cultivate any grasslands in this County shall obtain a permit pursuant to these regulations.

Section V - Nonconforming Use

(1) The provisions of this regulation shall not apply to any nonconforming use existing on the date of this Ordinance.

Section VI - Relationship to Other Regulations

(1) Nothing in these regulations shall be construed as exempting an applicant for a permit from any other

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F 0083 MARY ANN FEUERSTEIN CLERK & RECORDER WELD CO, LU

requirements of this jurisdiction or other state or federal laws.

ARTICLE 2

Applications and Permits

Section I - Permit Submission Requirements

Applicants for a permit to engage in the cultivation of grasslands shall submit to the Board of County Commissioners, as a minimum, the following:

(1) A completed application form;

(2) A legal description;

(3) A map delineating the proposed land use change; and

(4) A conservation plan, approved by the local soil conservation district board, which will specify the conditions under which cultivation is permitted.

Section II - Approval of Permit Applications

(1) If the applicant has a conservation plan approved by the local soil conservation district board, then the County shall issue a permit.

(2) If the local soil conservation district board disapproves the conservation plan, the applicant may appeal to the Board of County Commissioners for a hearing.

(a) Within twenty (20) days after receiving an appeal for a hearing, the Board of County Commissioners shall set a date for a hearing. At the hearing, the applicant may be present and testify and present evidence on his behalf if he so desires.

(b) The Board of County Commissioners shall approve the application if the applicant's conservation plan ensures that cultivation will be conducted in a manner which will minimize damage to the soil, minimize soil erosion and dust blowing potential and minimize any other adverse impacts on surrounding property.

(3) Upon issuance of a permit pursuant to this Ordinance, the conservation plan and a copy of this Ordinance shall be filed and recorded upon the land records of the County Clerk and Recorder.

ARTICLE 3

Administration, Enforcement and Penalties

Section I - Enforcement Provisions

(1) When the Board of County Commissioners is advised that any landowner or operator is cultivating or causing to be cultivated any grasslands in violation of this Ordinance, the Board is authorized to issue an order to the owner as listed upon the records of the County Assessor specifying that the cultivation shall cease immediately and that the grasslands shall be revegetated back to species of grass approved by the district. Notice of such order shall be sent by certified mail to the landowner or otherwise served as provided in the Colorado Rules of Civil Procedure.

(2) Within thirty (30) days of the receipt of such order, the landowner shall submit to the Board of County Commissioners a conservation plan to comply with such order.

(3) If the landowner fails to submit a conservation plan as provided in subsection (2) of this section, or if the landowner advises the Board of County Commissioners that he does not intend to or cannot comply with such plan, the Board may take the reasonable action necessary to revegetate the grasslands specified in the order issued pursuant to subsection (1) of this section. Notice of such action shall be sent by certified mail to the landowner prior to the performance of such action.

(4) Any order to revegetate or any decision by the Board to cause land to be revegetated shall be subject to review by the District Court, but such action for review

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F 0984 MARY ANN FEUERSTEIN CLERK & RECORDER WELD CO. CO

must be brought by the landowner within thirty (30) days from the date of such order or decision.

Section II - Penalties

(1) Upon the completion of the revegetation caused as provided in Section I by the Board of County Commissioners, the Board may, by Resolution, assess against the landowner the cost of said treatment, which shall in no event exceed the actual cost of the revegetation.

(2) Criminal Penalty--any person, firm, or corporation violating this Ordinance shall be punished by a fine of not more than three hundred dollars ($300.00) or by imprisonment in the County jail for not more than ninety (90) days, or by both such fine or imprisonment. Each day during which such illegal cultivation continues shall be deemed a separate offense.

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F 0985 MARY ANN FEUERSTEIN CLERK & RECORDER WELD CO, CO

ARTICLE 5

Severability

(1) If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance is, for any reason, held or decided to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions.

(2) The Board of County Commissioners of Weld County, Colorado, hereby declares that it would have passed this Ordinance and each and every section, subsection, paragraph, sentence, clause and phrase thereof irrespective of the fact that any one or more sections, subsections, paragraphs, sentences, clauses, or phrases might be declared to be unconstitutional or invalid.

ARTICLE 6

Effective Date

BE IT FURTHER ORDAINED by the Board of County Commissioners of Weld County, Colorado, that an emergency

exists which requires that this Ordinance No. 108 is declared an emergency Ordinance under the provisions of Section 3-14 of the Weld County Home Rule Charter. An emergency exists for the reason that a large number of acres of grassland has been plowed in recent years without sufficient conservation methods taken, the Colorado Land Use Commission has issued a Cease and Desist Order to prevent further plowing of grasslands, and such Cease and Desist Order is due to end a few days hence.

The above and foregoing Ordinance No. 108 was, on motion duly made and seconded, adopted by the following vote on the 19th day of May, 1982.

BOARD OF COUNTY COMMISSIONERS
WELD COUNTY, COLORADO

John T. Martin, Chairman

Chuck Carlson, Pro-Tem

Norman Carlson

C. W. Kirby

June K. Steinmark

ATTEST: Mary Ann Feuerstein

Weld County Clerk and Recorder
and Clerk to the Board

By: Deputy County Clerk

APPROVED AS TO FORM:

County Attorney

PUBLISHED: May 27, 1982
La Salle Leader

B 0960 REC 01892170 05/20/82 10:09 $0.00 6/006
F 0986 MARY ANN FEUERSTEIN CLERK & RECORDER WELD CO, CO

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TYPICALLY MARGINAL SOILS BEING PLOWED IN FOUR COLORADO COUNTIES

County	Soil Series	T-Value* (tons per acre per year)
Weld	Renohill	2
	Rosebud	3
	Shingle	1
	Midway	1
Lincoln	Renohill	2
	Midway	1
	Shingle	1
	Ordway	2
	Deertrail	1
	Cadoma	2
	Razor	2
	Travessillo	1
Cheyenne	Pultney	2
	Midway	1
	Razor	2
	Canyon	1
Kit Carson	Canyon	1
	Midway	1
	Razor	2
	Renohill	2
	Rosebud	3

*Soil loss tolerance (T), sometimes called permissible soil loss, is the maximum rate of soil erosion that will permit a high level of crop productivity to be sustained economically and indefinitely.

ECONOMIC ASPECTS OF CONVERTING RANGELAND TO A WHEAT-FALLOW ROTATION

People are becoming increasingly concerned about the irreversible depletion of our land resources here in Colorado. Current farming and ranching trends brought on by the cost-price squeeze and the speculation in agricultural land have pressured farmers and ranchers to intensify the usage of the land. This has resulted in replacing rangeland and soil conserving crops with a more erosive crop rotation. The result has been significantly increased wind and water erosion.

The recent significant plow-out of 500,000 acres of grassland that are classified as marginal Class IV and Class VI land not only is a serious erosion problem but will be a detriment economically to the farmers and the communities in which it occurs. Even though there may in some cases be a short run increase in returns, returns in the long run will be negative.

The following typical example will show the economic results of the rangeland conversion to a wheat-fallow rotation:

WHEAT-FALLOW ROTATION ON CLASS VIe LAND
(No equipment changes are anticipated)

1. Production Costs

(3 machinery operations) (Fallow year)	$14.50
Miscellaneous costs (taxes, insurance, soc. sec. pickup, tools, etc.) (2 yrs.)	8.00
Drill and seed	7.50
Combine	10.00
Production costs/acre	$40.00
Rangeland cost $150 x .15[1/] = ($22.50/yr.) (2 yrs.)	$45.00
Total costs including land costs for a 2-year period (wheat-fallow)	$85.00
Break even yield/ac. for $4.00/bu.	$85.00 ÷ $4 = 21.25 bu./ac. for the 2 years (wheat-fallow)
Break even yield/ac for $4/bu. wheat and only using production cost is	$40.00 ÷ $4 = 10 bu/ac for 2 yrs.

2. Compare with continued rangeland at .3 aums/ac @ $10/aum = $3.00 net return per year for the rangeland.

[1/] Amortized at 15% for 30 years.

Presented to the Senate Agricultural Committee by Leon Silkman, President of the Colorado Association of Soil Conservation Districts, April 19, 1983.

Now we shall compare the net returns on a short run and long run basis:

(a) If the yield is 15 bu/acre for the first wheat-fallow rotation, the net return would be $20 [(15 bu. x $4/bu) $60-$40 (production costs)]. In comparison, the rangeland return over the 2-year period would be $6/acre. The 2-year wheat-fallow rotation would therefore return $14 more for the 2-year period.

(bi) However, if the average yield on this soil over time (like 15 years) is 9 bushels/acre for the wheat-fallow rotation, we then would have an estimated gross return of $36/acre (9 bu/$4/bu) for the 2-year rotation.

Using just the production costs the net return is $-4/acre for the 2-year period ($36 gross return -- $40 production costs). On a yearly basis, the net return is a minus $2/acre as compared to the positive $3/acre for the rangeland.

(bii) Now, when we add the land costs to the production costs there is a total of $85/acre ($40 + $45) in costs. This is in comparison to the gross return of $36/acre (9 bu. x $4/bu). The net return/acre for the 2-year wheat-fallow rotation is a negative $49/acre (or $49 ÷ 2 = $24.50/acre/year).

This would be compared to the positive $3/acre for the continued rangeland use.

Therefore, farmers may increase their profits in the short run. However, knowledgeable farmers that own or have recently bought this rangeland and have converted it to a wheat-fallow rotation must be anticipating resale of the land at a higher price as their longer run means of profit.

PLOW-OUT OF FRAGILE GRASSLANDS

Potential Impacts to Public

a. Costs of Erosion and Sediment Damage

Much of the grassland being plowed is in soils and climatic zones susceptible to high wind erosion with erosion rates as high as 30 tons per acre per year without proper conservation treatment. Besides the loss of soil on the cropland itself, additional damages occur to adjacent grasslands, to fences, and to county roads. In one area in Weld County, it has been estimated that costs of repairing damaged fences would be about $5,000 per mile.

In parts of Adams, Arapahoe, Lincoln, and Kit Carson counties a large percentage of the plow-out is on relatively steep slopes underlain by highly erosive soils derived from shaley materials. Erosion rates from runoff water on these slopes can be as high as 12 tons per acre per year. Much of this sediment will be deposited in stock ponds and reservoirs causing rapid loss of storage capacity and the need to replace these structures. Flagler Lake in Kit Carson is one of the larger reservoirs that will be affected in this way. Several thousand acres of new cropland have been plowed out in recent years in the drainage area above this recreation lake. Large amounts of sediment can be expected to be deposited in the lake during the first large storm occurring across the watershed.

Another damage from water erosion on these shaley soils is the high salt-loading to the Arkansas and South Platte rivers resulting from the pick up of soluble sulfate salts occurring in the subsurface of these soils. These salts have been concentrated in the soil profile over long periods of time, and the movement of the salts into the river systems under natural conditions is a slow and relatively stable process. Disturbance of the soil by plowing and the formation of deep gullies upsets this balance and makes available large amounts of soluble salts to be picked up by storm runoff water and carried down to the mainstem streams.

b. Quality of Life

Quality of life in eastern Colorado is affected by this new cropland mainly in the additional dust in the air caused by increased wind erosion.

c. Wildlife

Some of the impacts to wildlife include destruction of habitat for antelope herds in eastern Colorado, etc. Many other species including scaled quail, lark bunting, prairie chicken, and all other species dependent on grasslands will have their habitat reduced. Considerable damage due to intrusion of cropland into the range ecosystem will result. The composition of grass in the rangeland ecosystem will change to less desirable and productive species due to deposition of soil on it from adjacent fields or increased water erosion.

DIFFICULTY OF RE-ESTABLISHING PERENNIAL GRASSES ON PLOWED LANDS IN EASTERN COLORADO

William J. McGinnies, Range Scientist, Agricultural Research Service, Crops Research Laboratory, CSU, Fort Collins, Colorado.

Based on the history of Great Plains agriculture, we must assume that many of the native grasslands currently being plowed will be abandoned. To stabilize the soil and the agricultural base, it will be necessary to return these plowed and abandoned areas to perennial grassland. Most of the areas being plowed received less than 15 inches average annual precipitation, and it is these low rainfall areas that will be discussed here.

The natural revegetation of abandoned fields to shortgrass requires 25 to 50 years or more (Shantz, 1911; Burnham, 1955). Costello (1944) found that short-lived perennial grasses dominated the abandoned areas in 5 to 10 years, and the three-awn stage appeared 10 to 20 years after abandonment. Carrying capacity of the three-awn stage is only about one-third that of shortgrass range dominated by blue grama. Under very exceptional and favorable conditions the abandoned land developed into blue grama shortgrass range in 25 years, but it usually took 40 to 50 years or more. Development of permanent cover depended on favorable moisture in the surface 6 to 15 inches of soil. A longer period of recovery was associated with a higher percentage of tilled land in the same vicinity.

Because natural revegetation is so slow, the abandoned areas may be seeded to perennial species, but failures will be common. Blue grama has been particularly difficult to establish in range seedings on the Great Plains where annual precipitation is less than 15 inches. For 23 plantings of blue grama in Colorado made between 1944 and 1968, only 30% were successful, and for 20 other plantings made in New Mexico and Colorado between 1965 and 1975, 25% were successful. Thirty-five percent of the plantings of cool-season wheatgrasses in Colorado produced successful seedings, but persistence of the wheatgrasses was much poorer than for blue grama. Several other reports indicated success rates for range seedings on the Central Great Plains of 0 to 50%. Where average annual precipitation was 16 inches or more, up to 50% of the blue grama seedings and 70% of the sand lovegrass seedings were successful. Generally, the successful seedings were those that were planted into a small-grain stubble. On dry sites and during dry years, establishing a satisfactory small-grain stand that can be cut for stubble is seen as being a major problem. It has been determined that to establish blue grama, the soil must be moist to the surface for 2 to 4 days during the period 2 to 8 weeks after seedling emergence to permit adventitious roots to develop. If blue grama seedlings fail to produce adventitious roots, they will die. Weather conditions that will produce the desired soil moisture and temperature needed for germination and adventitious root development may be infrequent and are not predictable. Because most successful seedings usually result only from plantings made during a "wet" year and because we cannot predict wet years in advance, we must anticipate a high percentage of failures when seeding abandoned plowed lands on those parts of the Great Plains where precipitation averages 12 to 15 inches annually.

STATEMENT OF MARSHALL FRASIER

PAST PRESIDENT

COLORADO CATTLEMEN'S ASSOCIATION

My name is Marshall Frasier. I am a rancher in the counties of Arapahoe and Washington in the state of Colorado. Today, I am representing the Colorado Cattlemen's Association whose membership numbers 3200 stockmen.

We in the Association appreciate the opportunity to present testimony pertaining to S.B. 663. Our Association discussed the issue of sodbusting at its Mid-Winter Convention on December 7, 1981. Following this discussion we unanimously adopted a resolution supporting S.B. 1825 on this same topic that was introduced last year by Sen. Armstrong. That resolution is still the policy of the Colorado Cattlemen's Association and applies to our support of S.B. 663:

WHEREAS, the population of the United States is increasing and so are the acres of rural land being taken out of production which will require increased emphasis on the wise use of remaining land; and,

WHEREAS, Thousands of acres of previously unplowed grassland is being cultivated annually with regard to soil features, topography, erodibility, climate, and limitations on future cropping practices; and,

WHEREAS, much of this recently plowed sod is extremely erodible making it difficult to establish vegetation; and,

WHEREAS, well-intended federal government price support and allotment programs tend to aggrevate this situation by

encouraging farmers to plow up marginal land that is the most erosion prone.

THEREFORE BE IT RESOLVED, that the Colorado Cattlemen's Association supports the efforts of Senator Armstrong, and urges support of S.B. 1825 as intorduced to make inapplicale support payments, disaster aid, and storage facility loans for land that has been uncultivated for 10 years.

In addition to testifying for the Colorado Cattlemen's Association, I want to personally attest to the favorability of such legislation as outlined in S.B. 663. I own and operate a 30,000 acre ranch. In the last two years, 80,000 acres of Class 7 land has been plowed in my county. Unfortunately, this plowing has been done on land that border my ranch on two sides. Prior to purchasing my present holdings in 1946, I was in Southeast Colorado for several years. However, I had to sell my livestock operations as a result of dust storms and erosion caused by the plowing of Class 6 and 7 land. My personal experiences with dust storms goes even further back to my childhood days in western Kansas where I lived some twenty miles from the Colorado line. As a child, in the 30's, while walking home from school, daylight would turn to darkness at 4:30 in the afternoon - a result of blowing sand. Experiences of this kind led to my desire to testify before you today on behalf of the Cattlemen's Association.

Our government, for too long, has encouraged the "sod-busting" of many acres of FRAGILE LANDS with subsidies of one enducement or another. The result is that taxpayers have footed the bill

to reclaim these lands to grass and in many instances these same lands were later put under the plow. Thus, the taxpayers of this nation have paid twice: to reseed; to rebreak. This bill is a step in the right direction of removing the fragile land problem off the taxpayers' back. Further, it will protect neighboring lands and the environment.

In the late 1940's many acres of our fragile grasslands went under the plow, primarily by "suitcase" farmers. It was their belief that any land that grew grass would grow wheat. They were wrong. This attack of the fragile lands saw the return of blowing dust, damaging thistles and other weeds that caused many fencing repairs and cleaning by others than the "sod-buster." Livestock dams were again filled with run-off mud from the fields. Acres of grass lands were covered by baked on hard crusts of mud below the fields.

Now what happened to these lands? The government stepped in and with the taxpayers' money paid the "sod-busters" an annual fee of $5 to $10 per acre, for up to 10 years, not to farm this land. The government did not take title to these lands as they did in certain areas; areas that are now in grass under government control. The fact is, the government (taxpayers) paid these people for seeding their lands while also furnishing the seed. Although some in Congress attempted to form restrictions as to ever farming these lands again, none were made. The result is that the reseeded lands have been broken out again. Acres not plowed again were subsequently obtained by grass land operators who learned through the years, starting in the homestead days, that these fragile lands were NOT to be farmed but

left in their native grasses of Buffalo, Alkali-Sacatan, and Gramma.

Congress, through the U.S. Department of Agriculture has attempted over the years to deal with this dust blowing problem in conjunction with other problems facing the agricultural community.

Over the years, however, there have been certain policy conflicts developed. The government on one hand has paid for the reseeding of dust blowing areas while on the other hand they have developed programs making payments available for the rebreaking of the lands for reseeding.

Why should taxpayers be charged for the reseeding and the turn around and be charged for the rebreaking of such land? This type of policy conflict will be stopped with the passage of S.B. 663.

In summary, the Colorado Cattlemen's Association sincerely urges this committee to take positive action on this proposed legislation. Those lands not suitable to farming should be returned to their natural state. More so, the taxpayers should not be placed in the position of bailing out those persons who select to bust the sod where, in fact, nothing can grow but devistation to mankind.

23-553 O—83——7

STATEMENT OF ROBERT WARRICK, REGIONAL VICE PRESIDENT,
SIERRA CLUB, NORTHERN GREAT PLAINS

I am Robert Warrick, Sierra Club Northern Great Plains Regional Vice-President and a farmer from Meadow Grove, Nebraska. I very much appreciate the opportunity to present testimony to the Senate Agriculture Committee on behalf of Sierra Club's 330,000 members in support of Senator Armstrong's "Sodbuster" bill. We supported "Sodbuster" legislation last year when it overwhelmingly passed the Senate, and we are eager to see this measure enacted into law.

I am personally familiar with the conversion of Nebraska Sand Hills' grasslands to corn production. The problems being caused by these conversions of grassland to row crop production are immense, and the public policy questions go beyond the scope of this legislation; but I believe it is accurate to say that this legislation, had it been in effect five years ago, would have deterred at least some of the conversions that have occurred in Nebraska and other Plains States.

The fragile grasslands in my home state and many other states are being plowed at an alarming rate. Some of these grasslands have never been plowed. Others were plowed in the late 1890's, and it has taken literally generations and constant vigilance and hard work by Sand Hills' ranchers to restore them to productive grasslands.

We are losing our topsoil at an alarming rate - 5 billion tons per year - according to the Soil Conservation Service. Fragile grasslands in many areas of our country are being plowed and converted to cropland. The Northern and Southern Plains and the Rocky Mountain regions are especially vulnerable. Nearly a quarter of a billion acres of fragile grassland in these regions have the potential for conversion to cropland.

The Sierra Club is deeply concerned about the soil losses that are occurring in many regions of our country, and we are seeking policy changes to protect our soil resource. Our soil is a resource that is essential to the long-term health of our economy, as well as being an essential component of a sound environment. The environmental effects of soil erosion are fairly obvious: our streams and rivers are polluted with the soil particles and any materials they may carry along with them as they are washed into the waterways, and our air is polluted with particulates. The effects of soil erosion on productivity are not as evident and are not as clearly an environmental issue. But we believe that long-term soil productivity is essential for a healthy environment. One way that farmers and land managers compensate for productivity losses is increased use of fertilizers; this has implications for our national energy policy in addition to its effect on farm income.

This legislation proposed by Senator Armstrong is a key step toward a comprehensive soil conservation program that coordinates local, state, and federal soil conservation activities and is sensitive to the needs of land owners and farmers and to our society's need to protect our soil resource. We support S.663; it is entirely consistent with our goal to protect our soil resource. It is appropriate, in our opinion, that federal subsidies be withheld from those who choose to abuse fragile land.

There are many technical solutions available to control soil erosion. Farmers can choose appropriate crops for the soil type, rotate crops, build waterways and terraces, or employ conservation tillage. Not all techniques are appropriate on all land, and some land is not suitable for row crops even when conservation techniques are employed. One of the best features of Senator Armstrong's legislation is its recognition of this fact.

Soil erosion affects water quality and air quality. The sediment

carried by water that runs off agricultural land carries pesticides, salts, animal waste, and fertilizer residue. The sediment itself fills in our waterways, sometimes affecting navigation, drinking water quality, and recreational opportunities.

Soil erosion caused by wind affects our air quality as well. The EPA estimates from 33-239 million tons per year of particulates from cropland enter our air. Dust problems can be particularly acute in the Spring and Fall in the semi-arid Southwest, West, and Great Plains.

Enactment of Senator Armstrong's "Sodbuster" bill will prevent the plowing of many acres of grassland and will prevent some of the air and water pollution that will surely occur if more grassland acres are put into cropland.

Sierra Club supports a comprehensive program for prevention of soil erosion that coordinates federal, state, and local actions and includes incentives to prevent erosion as well as penalties for causing erosion. The recognition by Senator Armstrong that federal programs should not financially reward practices that are contrary to sound public policy goals is welcome.

We look forward to working with the Senate Agriculture Committee on a comprehensive soil conservation program that protects our soil resource.

STATEMENT OF THE NATIONAL WILDLIFE FEDERATION

The National Wildlife Federation is the nation's largest not-for-profit conservation education organization. The Federation is composed of affiliate organizations in 49 states, Puerto Rico, and the Virgin Islands. These affiliates, combined with other members and supporters of the Federation, number an estimated 4.2 million persons. Since its inception, the Federation has been dedicated to the wise use and management of the nation's natural resources. Included in these resources is our nation's soil, and thus its farmland. Poor management practices and the accompanying erosion seriously threaten this valuable resource.

5.3 billion tons of soil from agricultural land are lost each year to wind and water erosion, surpassing the erosion which occurred during the Dust Bowl of the 1930s. The national average for erosion on cropland (our best soil) is 2.8 tons per acre per year. In Iowa, in 1977, for each ton of corn raised, 5 tons of soil were eroded. The numbers will worsen as more of our marginal, highly erodible land is plowed.

On the farm, erosion leads to a reduction of agricultural productivity, because it is the topsoil which erodes away. The topsoil contains the most nutrients and is best at retaining water needed by crops. As the soil is carried off the farm into lakes, reservoirs, streams, and rivers, the problems become more extensive.

The build up of sediment in these waterbodies increases flood damage and hinders waterway traffic. It also destroys valuable spawning beds for fish, as well as other wildlife habitat. The sediment also accumulates in reservoirs, greatly reducing crucial storage capacity. Finally, the soil that is washed away often contains large amounts of pesticides and fertilizers. These pollutants threaten the aquatic life in, and the quality of, the receiving waters. Erosion from farmland is a large component on non-point pollution, which has been estimated to account for over half of the pollution entering our waterways. By reducing soil erosion, we will be taking a significant step towards cleaning our nation's waters.

A major culprit in the erosion of our farmland is actually the federal government. Though unintentional, many of the USDA's programs—price supports, crop insurance, disaster payments, farm storage facility loans—provide strong economic incentives for farmers to plow up fragile grasslands. These lands are usually marginal and highly erodible, and normally farmers would not plow and attempt to cultivate them.

By assuming the risk for these ventures, the government has been encouraging poor management of our most fragile soils. To get the government out of this business, we need to withhold the USDA programs from the farmers who cultivate these lands. This is exactly what S. 663 does.

The bill does not dictate to the farmer what or where he can plant. It simply removes the government-induced incentives for plowing up highly erodible land. Farmers can still plow and cultivate this land, but they will do so at their own risk. The government will no longer bail them out, and thus will no longer encourage cultivation of fragile lands.

In the face of the government-induced economic incentives, even stringent conservation efforts cannot be made to work. By removing these incentives, S. 663 will greatly reduce the plowing of highly erodible lands, which may lead to a significant reduction in erosion from our nation's farmland. S. 663 is a wise conservation measure, and the Federation strongly supports and urges its enactment.

STATEMENT OF F. KAID BENFIELD, SENIOR STAFF ATTORNEY, AND PEYTON M. STURGES, AGRICULTURE PROJECT ASSISTANT, NATURAL RESOURCES DEFENSE COUNCIL, INC.

The Natural Resources Defense Council, Inc. (NRDC) [1] is pleased to see the Subcommittee once again address the topsoil erosion problem on America's cropland. The pressing need to do more than we have in the past to control erosion has been well documented in an abundance of government and private reports and studies, some cited by Senator Armstrong in his introductory statement for this legislation. We fully support this bill and believe it will be extremely useful in bringing a measure of consistency to federal farm programs which too often conflict in supporting even grossly abusive farming practices on the one hand while touting conservation on the other.

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[1] NRDC is a non-profit membership corporation with more than 37,000 members, dedicated to the preservation, enhancement, and defense of the natural resources of the United States. Through the efforts of its agriculture project, NRDC supports the maintenance and improvement of the productive capacity and soils of our nation's valuable agricultural lands.

To quote Senator Armstrong, this bill ". . . will get the government out of the business of subsidizing soil erosion" at least as highly erodible lands are brought into production for new crops nationwide. In particular, this legislation would provide that farmers who plow up highly erodible lands to produce commodities not grown on those lands in the previous ten years are ineligible for federal agriculture subsidies unless they adopt and implement approved conservation systems for their new crops.

Because NRDC for a number of years has advocated that conservation, where necessary, be a prerequisite for all forms of federal farm assistance, we are gratified to see a form of this reasonable and fair concept gain acceptance. Recent history teaches us that without a consistent federal approach to both farm support and erosion control, we will continue to be unable to reverse the degradation of the soil resource on our nation's erosive croplands.

We believe it important to stress that the control of erosion from this legislation flows from a transaction, not a regulation. A farmer remains free to disregard needed conservation so long as he is willing to forego receipt of federal agriculture subsidies. Moreover, the bill applies only to new crops on lands which are classified as subject to serious erosion problems unless preventive measures are taken. Especially since cultivation under a locally designated conservation system would restore eligibility for assistance even on highly erosive land, we believe this legislation is eminently reasonable.

This bill is superior to similar legislation introduced in the past in that, though recognizing the severity of "sod busting" problems in the western states, it applies to new crops on highly erodible land nationwide. Under it, western landowners will be treated the same as other farmers across the country.

NRDC's only reservation with this bill is that the definition of highly erodible land contained in section a(2) refers only to capability classes IVe, VIe, VII and VIII. This group may be too narrow to encompass all lands which present serious erosion problems. We believe that any soil type carrying the subclassification symbol 'e' for 'erosion risk' should be included in this section, particularly Class IIIe soils, which by definition have severe limitations that may require special conservation practices. Moreover, the general inclusion of all lands in Classes VII and VIII should also be extended to Class VI which, like those classes, includes only soils with such severe limitations that they are generally unsuitable for cultivation of any type.

In concluding, NRDC hopes that the passage and success of this legislation will lead to the acceptance of a broader program removing all federal subsidies that encourage erosion. Conceptually, there is little difference between subsidizing erosion on new cropland and doing so on land which is under the plow for existing crops.

We reiterate our appreciation to the leadership of this committee for its continued commitment to the resolution of these complex and critical problems, the solution of which is vital to the future strength of our nation.

NATIONAL AUDUBON SOCIETY,
NATIONAL CAPITAL OFFICE,
Washington, D.C., April 19, 1983.

Hon. JESSE A. HELMS,
Chairman, Committee on Agriculture, Nutrition, and Forestry, Russell Senate Office Building, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: The National Audubon Society, established in 1905, is one of the oldest and largest non-profit membership organizations devoted to conservation and protection of the natural environment. Our membership of over 450,000, is organized into 440 chapters, ten regional areas, and offices in Washington, D.C., providing many opportunities for education, research and citizen action. In addition, Audubon maintains seventy-five sanctuaries, several of which are agricultural properties, and a research ranch. The wise use, conservation and management of our land is a high priority for our organization. Moreover, a forthcoming issue of *Audubon Magazine* will feature a lengthy section on soil erosion.

As you know, our members in Colorado are sufficiently concerned about soil erosion that they were one of the first supporters of Senator Armstrong's sodbuster bill. National Audubon hereby adds its support to the growing number of supporters of S. 663 as an important step in addressing the very serious problem of soil erosion.

It makes no sense to subsidize those who convert grasslands to crop production at any time, but this absurdity is underscored at a time when farmers anticipate reserving 82 million acres of existing cropland in the PIK/set-aside program(s). The time for enactment of the sodbuster bill is surely at hand.

At the same time, we note two adjustments that are needed to make S. 663 work effectively. The first problem is the narrow definition of "highly erodible" land now contained in S. 663. The second is the need for an exemption for rotated lands. There is also a general need for incentives rather than simple putative legislation.

Much of the highly erodible land likely to be brought into cultivation in the future is not in classes IVe, VIe, VII and VIII. Provision should be made to apply S. 663 to land in other classes that would erode above specified levels if used to produce agricultural commodities as defined in the bill. The specified levels for such new land should be consistent with the criteria now used by USDA to select "critical cropland" for targeted funding of Federal conservation programs.

S. 663 provides a most desirable saving for the taxpayer by removing subsidies to those who would abuse the land. In order to bring into this vital program, that land, which, if brought into commodity production, would have erosion problems as severe as those of the "targeted" cropland in the current USDA programs, we support the substitute Section (a)(2) and (c)(5) of S. 663, proposed by the American Farmland Trust and the Soil Conservation Society of America. (attachment 1)

In addition, S. 663 should exempt rotated cropland under Section (c). Lands that were rotated into grass or sod should be allowed to be returned to crop production once the soil has been enriched. Without such an exemption, some farmers may be reluctant to put cropland into conservation use because of the sodbuster penalty when such land is brought back into cultivation.

For 1983 the high participation in the PIK program will undoubtedly reduce strain on overworked croplands. Measures to encourage conservation with surplus commodities, rather than Federal funds, have stimulated consideration of additional approaches to encourage conservation.

Audubon urges the Committee to provide for such positive incentives, either in this bill, or in companion legislation. Farmers should be encouraged to participate in permanent or multi-year conservation programs.

The National Audubon Society very much appreciates this opportunity to present our views on S. 663 to the Committee. We are extremely enthusiastic for this innovative legislation.

Sincerely yours,

MAUREEN K. HINKLE,
Policy Analyst.

Attachment.

Substitute for section (a)(2) the following:

(2) the term "highly erodible land" means—

(i) land classified by the Soil Conservation Service of the Department of Agriculture as class IVe, VIe, VII, or VIII land under the Land Capability Classification system as in effect on the date of enactment of this bill. The land capability class for a field shall be that determined to be the "predominant" class under regulations issued by the Secretary of Agriculture;

(ii) land which has an established soil loss tolerance of less than five tons per acre annually and which, if used to produce agricultural commodities, will have an average annual erosion rate of more than two times the tolerance for that land;

(iii) land which has an established soil loss tolerance of five tons per acre anually and which, if used to produce agricultural commodities, will have an average annual erosion rate of more than 14 tons per acre.

(3) In determining whether land will erode in excess of the soil loss tolerance, the Department shall employ the best available methods for estimating the level of wind or water-caused erosion.

(4) Where soil loss tolerances have not been established, the Department shall for the purposes of this act establish soil loss tolerances according to procedures and guidelines of the Soil Conservation Service.

Substitute for Subsection (c)(5) the following:

(5) Any agricultural commodity produced using a conservation system which has been approved by a soil conservation district, which is based on technical standards set forth in the Soil Conservation Service technical guide for that Soil Conservation District, and which will result in an average annual soil erosion level no greater than the levels specified in subsection(a). In areas where no soil conservation district exists the Secretary shall determine the adequacy of a conservation system.

INTERNATIONAL ASSOCIATION
OF FISH AND WILDLIFE AGENCIES,
April 28, 1983.

Hon. JESSE HELMS,
Chairman, Senate Agriculture Committee,
Russell Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: Time constraints precluded presentation of testimony by the International Association of Fish and Wildlife Agencies at the time of your Committee's April 19 hearing on S. 663.

The legislation is, however, of significant interest to our agency members in the 50 states, Puerto Rico, Canada and Mexico because of the organization's long-standing commitment to the cause of realistic and balanced resource conservation and management.

It is in that context that we are taking this means of sharing our views with you and your committee colleagues on the legislation in question.

In our judgment the primary objective of that bill—the elimination of any federal subsidies which would provide the incentive for attempted development of marginal and erodable land for agricultral purposes—is entirely consistent with our organization's philosophy and our concept of what constitutes proper conservation and management practices.

To countenance the kind of land abuse which would result from continued encouragement of unsound development would be to repudiate the principles to which we have adhered throughout our almost 70 years of operation and it is on that basis that we fully support the measure which you are now considering to prevent such an eventuality.

We hope it will be possible to make this letter a part of the hearing record so that these comments can be taken into account in the Committee's deliberations on S. 663.

Sincerely,

WES HAYDEN,
Legislative Counsel.

WILDLIFE MANAGEMENT INSTITUTE,
Washington, D.C., April 8, 1983.

Hon. JESSE A. HELMS,
Chairman, Committee on Agriculture, Nutrition and Forestry,
Senate Office Building, Washington, D.C.

DEAR SENATOR HELMS: The Wildlife Management Institute strongly supports the objectives of S. 663. We believe it is a good step toward getting the alarming rate of soil erosion in this country under control.

Large areas of semi-arid lands in the Great Plains are being plowed each year. These acres are very susceptible to erosion. They should be kept under vegetation and used as range. But price supports, insurance, disaster payments and other federal government subsidies encourage landowners to turn the grasslands under despite obvious and serious consequences because Uncle Sam will bail them out.

The losers in this situation are valuable natural resources, taxpayers and the general public.

S. 663 does not impinge upon landowners' rights to do as they please with their land. It merely states that the federal government no longer will subsidize bad management practices on erosion-prone soils in the Great Plains.

We believe that the absence of subsidies will reduce the grassland acreage converted to cropland each year and thereby help control the unacceptable soil losses now experienced. Therefore we urge the committee to favorably report and support S. 663.

Please be advised that the American Fisheries Society has asked that it be associated with the Institute's views.

I would appreciate having this letter included in the hearing record.

Sincerely,

DANIEL A. POOLE,
President.

[S. 663, 98th Cong., 1st sess.]

A BILL To prohibit the payment of certain agriculture incentives to persons who produce certain agricultural commodities on highly erodible land.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) For purposes of this section—

(1) the term "agricultural commodity" means any agricultural commodity normally produced by annual tilling of the soil, including one-trip planters; and

(2) the term "highly erodible land" means land classified by the Soil conservation Service of the Department of Agriculture as class IVe, VIe, VII, or VIII land under the Land Capability Classification systems as in effect on the date of enactment of this bill. The land capability class for a field shall be that determined to be the "predominant" class under regulations issued by the Secretary of Agriculture.

(b) Except as provided in subsection (c) and notwithstanding any other provision of law, following the enactment of this Act any person who produces an agricultural commodity on highly erodible land shall be ineligible for—

(1) any type of price support assistance on such commodity made available under the Agricultural Act of 1949 (7 U.S.C. 1421 et seq.), the Commodity Credit Corporation Charter Act (15 U.S.C. 714 et seq.), or any other Act;

(2) a loan for the construction or purchase of a facility for the storage of such commodity made under section 4 of the Commodity Credit Corporation Charter Act (15 U.S.C. 714b(h));

(3) crop insurance for such commodity under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.);

(4) a disaster payment for such commodity made under the Agricultural Act of 1949 (7 U.S.C. 1421 et seq.); or

(5) a new loan made, insured, or guaranteed under the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) or any other provision of law administered by the Farmers Home Administration, if the Secretary determines that such loan will be used for a purpose which will contribute to excessive erosion of highly erodible land.

(c) Subsection (b) shall not apply to—

(1) any agricultural commodity planted by a person to produce any of the 1973 through 1982 crops of agricultural commodities;

(2) any agricultural commodity planted by a person before the date of enactment of this Act;

(3) any agricultural commodity planted by a person during any crop year beginning before such date;

(4) any loan described in subsection (b) made before such date; or

(5) any agricultural commodity produced using a conservation system which has been approved by a soil conservation district, which is based on technical standards set forth in the Soil Conservation Service technical guide for that Soil Conservation District. In areas where no soil conservation district exists the Secretary shall determine the adequacy of a conservation system.

SECTION-BY-SECTION ANALYSIS, S. 663, THE ARMSTRONG SODBUSTER BILL

(a) Definitions—

(1) The definition of "commodity" is limited to those crops normally produced by annual tilling of the soil. This is included to make it clear that the bill does not apply to fruit trees and other crops where plowing is not annually required.

(2) "Highly erodible" land is defined as land falling into capability classes 4e, 6e, 7, & 8 under the Soil Conservation Service's "Land Capability Classification System." This system has been in existence for more than 20 years, and most farmers and conservationists have worked with it and understand it. Detailed explanations of these classes are attached. It is thought that use of an existing and well accepted system is more fair than attempting to create a new system in this legislation. Although the classification of soil may vary within a field, and predominent class will govern.

(b) Any person who plows highly erodible land to produce a crop will be ineligible for government financial incentives under 5 programs:

(1) Price and income support programs, generally involving non-recourse loans.

(2) Farm storage facility loans.

(3) Federal crop insurance.

(4) Disaster payments.

(5) Farmers Home Administration Loans.

(c) Exceptions—The bill is intended to apply only to newly plowed lands, and will not affect lands as follows:

(1) Any land already in production during any of the preceding 10 years. This section is intended to avoid interference with crop-rotation systems. If land was plowed during any of the crop years from 1973 through 1982, the bill does not apply to that land.

(2) Any commodity planted before the date of enactment. This means that any crop already in the ground now is not affected.

(3) A commodity planted during any crop year beginning before enactment. This means that any commodity already on hand, regardless of what year it was grown during, is not affected.

(4) Any loans made before the bill is enacted cannot be recalled or cancelled. It applies only to new loans issued after enactment.

(5) The bill's provisions can be waived by a local soil conservation district if the farmer has installed a suitable conservation system which would prevent excessive erosion. These decisions are to be local ones, and the SCS technical guides will be used, so that the local decisions will be based on something tangible, and will be defensive, but the conservation district, not SCS, decides.

Land Capability Classification Definitions, As Amended By SCS In 1967 Originally Based on Inventory Made in 1958

CAPABILITY CLASSES

Land suited for cultivation and other uses

Class I. Soils in class I have few limitations that restrict their use. They are suited to a wide range of plants and may be used safely for cultivated crops, pasture, range, forest, and wildlife. The soils are nearly level, and the erosion hazard (wind and water) is low. They are deep, generally well drained, and easily worked. They hold water well and are either fairly well supplied with plant nutrients or highly responsive to fertilizers.

These soils are not subject to damaging overflow. They are productive and can be cropped intensively. The local climate is favorable for growing many of the common field crops. The soils that are used for crops need only ordinary management practices to maintain productivity.

In irrigated areas, soils may be placed in class I if the limitation of the arid climate has been removed by relatively permanent irrigation systems. Such soils are nearly level, have deep rooting zones, have favorable permeability and water-holding capacity, and are easily kept in good tilth. Some of the soils may require initial conditioning, including leveling to the desired grade, leaching of a slight accumulation of soluble salts, or lowering of a seasonal high water table. If the limitations of salt accumulation, high water table, overflow, or erosion are likely to recur, the soils are regarded as subject to permanent natural limitations and are not included in class I.

Class II. Soils in class II have some limitations that reduce the choice of plants or require moderate conservation practices. They require careful soil management, including conservation practices, to prevent deterioration or to improve air and water relations when the soils are cultivated. The limitations are few and the practices are easy to apply. The soils can be used for cultivated crops, pasture, range, forest, or wildlife habitat.

Limitations of soils in class II may include singly or in combination (1) gentle slopes; (2) moderate susceptibility to wind or water erosion or moderately adverse past erosion; (3) less-than-ideal soil depth; (4) somewhat unfavorable soil structure and workability; (5) slight to moderate salinity or alkalinity easily corrected but likely to recur; (6) occasional damaging overflow; (7) wetness that can be corrected by drainage but is a permanent moderate limitation; and (8) slight climatic limitations on soil use and management.

Soils in this class give the farm operator less latitude in the choice of either crops or management practices than soils in class I. They may also require special soil-conserving cropping systems, soil conservation practices, water-control devices, or tillage methods when used for cultivated crops.

Class III. Soils in class III have severe limitations that reduce the choice of plants or require special conservation practices, or both. These soils have more restrictions in use than those in class II. When they are used for cultivated crops, the conserva-

tion practices are usually more difficult to apply and to maintain. They can be used for cultivated crops, pasture, forest, range, or wildlife habitat.

These soils have limitations that restrict the amount of clean cultivation; timing of planting, tillage, and harvesting; choice of crops; or a combination of these items. The limitations may result from one or more of the following: (1) Moderately steep slopes; (2) high susceptibility to water or wind, erosion or severe past erosion; (3) frequent overflows causing some crop damage; (4) very slow permeability of the subsoil; (5) wetness or some continuing waterlogging after drainage; (6) shallow depth to bedrock, hardpan, fragipan, or claypan that limits the rooting zone and water storage; (7) low moisture-holding capacity; (8) low fertility not easily corrected; (9) moderate salinity or alkalinity; or (10) a moderate climatic limitation.

Class IV. Soils in class IV have very severe limitations that restrict the choice of plants or require very careful management, or both. The restrictions in use for these soils are greater than for those in class III, and the choice of plants is more limited. If these soils are cultivated, more careful management is required and the needed conservation practices are more difficult to apply and maintain. They can be used for crops, pasture, forest, range, or wildlife habitat.

Soils in class IV may be well suited to only two or three of the common crops or the yields may be low in relation to the inputs over a long period. Their use for cultivated crops is limited because of one or more permanent features such as (1) steep slopes, (2) high susceptibility to water or wind erosion, (3) severe past erosion, (4) shallowness, (5) low moisture-holding capacity, (6) frequent overflows causing severe crop damage, (7) excessive wetness with a continuing hazard of waterlogging after drainage, (8) severe salinity or alkalinity, or (9) moderately adverse climate.

In humid regions many sloping soils in class IV are suited to occasional but not regular cultivation. Some of the poorly drained, nearly level soils in class IV are not subject to erosion but are poorly suited to intertilled crops because of the time required for the soil to dry out in the spring and because of their low productivity for cultivated crops.

In subhumid and semiarid regions soils in class IV may produce good yields of adapted cultivated crops during years of above-average rainfall, low yields during years of average rainfall, and failures during years of below-average rainfall. During low-rainfall years the soils must be protected even though there is little probability of producing a marketable crop.

Land limited in use, generally not suited for cultivation

Class V. Soils in class V have little or no erosion hazard but have other limitations that are impractical to remove and that limit their use largely to pasture, range, forest, or wildlife habitat. They have limitations that restrict the kind of plants that can be grown and that prevent normal tillage of cultivated crops. They are nearly level, but some are wet, are frequently overflowed, are stony, have a climatic limitation, or have some combination of these limitations. Examples of soils in class V are (1) soils of the bottom lands subject to frequent overflow that prevents the normal production of cultivated crops, (2) nearly level soils in an area in which the growing season prevents the normal production of cultivated crops, (3) level or nearly level stony or rocky soils, and (4) ponded areas where drainage for cultivated crops is not feasible but the soils are suitable for grasses or trees. Cultivation of the common crops is not feasible, but pastures can be improved and benefits from proper management can be expected.

Class VI. Soils in class VI have severe limitations that make them generally unsuited to cultivation and that limit their use largely to pasture, range, forest, or wildlife habitat. The physical conditions of these soils are such that it is practical to apply range or pasture improvements if needed, such as seeding, liming, fertilizing, and water control by contour furrows, drainage ditches, diversions, or water spreaders. These soils have continuing limitations that cannot be corrected, such as (1) steep slope, (2) hazard of severe erosion, (3) past erosion, (4) stoniness, (5) shallow rooting zone, (6) excessive wetness or overflow, (7) low moisture-holding capacity, (8) salinity or alkalinity, or (9) severe climate. Because of one or more of these limitations, these soils are not generally suited to growing cultivated crops but they can be used for pasture, range, forest, and wildlife habitat or some combination of these.

Some soils in class VI can be safely used for the common crops if unusually intensive management is used. Some of the soils are also adapted to special crops, such as sodded orchards, blueberries, and similar crops. Depending on their characteristics and the local climate, the soils may be well or poorly suited to growing trees.

Class VII. Soils in class VII have very severe limitations that make them unsuited to cultivation and that restrict their use largely to grazing, forest, or wildlife habi-

tat. The physical condition of these soils is such that it is impractical to apply pasture or range improvements, such as seeding, liming, fertilizing, and water control by contour furrows, ditches, diversions, or water spreaders. The restrictions are more severe than those for soils in class VI because of one or more continuing limitations that cannot be corrected, such as very steep slopes, erosion, shallowness, stoniness, wetness, presence of salts or alkali, unfavorable climate, or other limitations that make them unsuited to common cultivated crops. Under proper management, these can be used safely for grazing, forest, wildlife habitat, or some combination of these. Depending on their characteristics and the local climate, these soils may be well or poorly suited to growing trees.

Class VIII. Soils and landforms in class VIII have limitations that preclude their use for commercial crop production and that restrict their use to recreation, wildlife habitat, water supply, or esthetic purposes. They cannot be expected to return significant benefits from management for crops, grasses, or trees, although benefits from their use for wildlife habitat, watershed protection, or recreation may be possible.

Limitations that cannot be corrected may be one or more of the following: (1) Past erosion or erosion hazard, (2) severe climate, (3) wetness, (4) stoniness, (5) low moisture-holding capacity, and (6) salinity or alkalinity. Badlands, rock outcrops, sandy beaches, river wash, mine tailings, and other nearly barren lands are included in class VIII. It may be necessary to protect the soils and landforms and to manage them for plant growth to protect other more valuable soils, to control water, for wildlife habitat, or for esthetic reasons.

Capability subclasses

Subclasses are groups of capability units within classes that have the same kinds of dominant limitations to agricultural use as a result of soil and climate. Some soils are subject to erosion if they are not protected; others are naturally wet and must be drained if crops are to be grown. Some soils are shallow or droughty or have other deficiencies. Still other soils occur in areas in which climate limits their use. The four kinds of limitations recognized at the subclass level are: Risk of erosion, designated by the symbol e; wetness, w; root-zone limitations, s; and climatic limitations, c. The class and subclass designations provide information about both the degree and the kind of limitation. Capability class I has no subclasses.

Subclass e (erosion hazard) consists of soils for which susceptibility to erosion or past erosion damage is the dominant problem or hazard in their use.

Subclass w (excess water) consists of soils in which excess water is the dominant hazard or limitation in their use. Poor soil drainage, wetness, high water table, and overflow are the criteria for determining which soils belong in this subclass.

Subclass s (other unfavorable soil conditions) consists of soils in which the soil characteristics of the root zone are the dominant limitations in their use. These limitations are such factors as shallowness, stoniness, low moisture-holding capacity, low fertility difficult to correct, and salinity or sodium.

Subclass c (climatic limitation) consists of soils for which the climate (temperature and lack of moisture) is the major hazard or limitation in their use.

Because limitations imposed by erosion, excess water, shallowness, stoniness, low moisture-holding capacity, salinity or alkalinity can be modified or partially overcome, they take precedence over climate in determining subclasses. The dominant kind of soil limitation or hazard determines the assignment of capability units to the e, w, and s subclasses. Capability units that have no limitation other than climate are assigned to the c subclass.

If two kinds of limitations that can be modified or corrected are nearly equal, assignments to subclasses have the following priority: e, w, and s. For example, in grouping soils of humid regions that have both an erosion hazard and an excess water hazard, the erosion hazard takes precedence over wetness; for soils having both an excess water limitation and a root-zone limitation, wetness takes precedence over the root-zone limitation. In grouping soils of subhumid and semiarid regions that have both an erosion hazard and a climatic limitation, the erosion hazard takes precedence over the climatic hazard; for soils that have both a root-zone limitation and a climatic limitation, the former takes precedence over the latter.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY STAFF EXPLANATION OF S. 663

The bill would preclude any person who, after enactment of this bill, produces an agricultural commodity on highly erodible land from obtaining—

(1) any Federal price support assistance on such commodity;

(2) a loan for the construction or purchase of a facility for the storage of such commodity under section 4 of the Commodity Credit Charter Act;

(3) crop insurance for such commodity under the Federal Crop Insurance Act;

(4) a disaster payment for such commodity under the Agricultural Act of 1949; and

(5) a loan made, insured, or guaranteed by the Farmers Home Administration, if the Secretary of Agriculture determines that such loan will be used for a purpose which will contribute to excessive erosion of highly erodible land.

The bill defines certain terms as follows:

The term "agricultural commodity" means any agricultural commodity normally produced by annual tilling of the soil, including one-trip planters.

The term "highly erodible land" means land classified by USDA as class IVe, VIe, VII or VIII land under the Land Capability Classification systems in effect on the date of enactment of the bill. The land capability class for a field would be that determined to be the "predominant" class under regulations issued by the Secretary.

The provisions of the bill would not apply to—

(1) any agricultural commodity planted to produce any of the 1973 through 1982 crops of agricultural commodities;

((2) any agricultural commodity planted before the date of enactment of the bill;

(3) any agricultural commodity planted during any crop year beginning before the date of enactment of the bill;

(4) any FmHA loan made before the date of enactment of the bill; and

(5) any agricultural commodity produced using a conservation system that has been approved by a soil conservation district and that is based on technical standards established by the Soil Conservation Service for that district. The Secretary would determine the adequacy of a particular conservation system in areas where no soil conservation exists.

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D.C., April 5, 1983.

Hon. JESSE HELMS,
Chairman, Committee on Agriculture, Nutrition, and Forestry, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This is in further response to your letter of February 9, 1983, concerning the possibility of legislation similar to Senate Amendment No. 1303 to H.R. 7072 of the 97th Congress.

This Department recommended adoption of that amendment with certain further amendments which we proposed. We are enclosing a copy of the letter to Senator William L. Armstrong in which we stated our position on that legislation.

In response to your questions, our answers are based on the assumption that legislation proposed for the 98th Congress would include the amendments which we proposed to Senator Armstrong. We note that Senator Armstrong introduced S. 663 on March 3, 1983, which appears to incorporate our recommended amendments.

Following is our response to each of your questions:

(1) How will lands which have not been classified under the SCS Land Capability Classification System be affected by the program?

Response: We believe lands which have not been classified should be subject to the provisions of the legislation if they have the soil characteristics and cropping history described therein. It should be the responsibility of the Department to determine the capability classification of such lands.

(2) How would soil surveys be used in the implementation of this proposal?

Response: Soil surveys would be extensively used. Most lands which are likely to be placed under new cultivation have already been surveyed and soil survey maps or published reports are available. It is relatively simple to determine capability classification of lands that have been soil surveyed. This can be done without visiting the site.

(3) If a county does not have a soil survey, how would the program be implemented?

Response: Many counties which do not have a completed soil survey do have soil maps for a substantial part of the county. If soil survey maps are not available, the Soil Conservation Service (SCS) would determine the capability classification of the land in question. This would be a high priority activity for SCS. They have technically trained soil scientists in field locations who can respond quickly to a request for a capability classification determination. When necessary, soil scientists would visit the site in question.

(4) Would you please provide an outline of the likely rule for the implementation of this proposal as it would be administered through the SCS and the Agricultural Stabilization and Conservation Service?

Response: We believe it would not be appropriate at this time to attempt to outline any rules or regulations which might be necessary to implement such legislation. Obviously, any rule making would need to take into consideration the specific provisions of the law and its legislative history. Also, the development of such a rule would need to take into account comments from interested parties.

(5) Will there be coordination between the various government agencies which provide USDA program benefits, and the local ASCS and SCS offices? If so, what reporting system will be used to cross-reference these offices?

Response: Yes, USDA offices at the national, state, and local level would be required to coordinate their efforts to ensure effective and equitable implementation of such a law. In most instances, the local USDA agency officers are in close proximity to each other; often in the same building. In instances where a producer wishes to receive the designated program benefits on newly cultivated land, the agency responsible for the program may need to seek SCS assistance in determining the land capability classification. Technical assistance by SCS may also be required in those cases where the producer wishes to follow an approved conservation system. Again, such activity would be a high priority with SCS. This is in keeping with the Department's top priority for conservation activities which is the control of erosion on productive agricultural lands.

(6) What would be the regulatory impact of such a program? How many farmers would be affected?

Response: We do not believe the regulatory impact of this program would be great. We do not know how many farmers would be affected. That would depend on how many farmers make an individual decision to bring new lands in those specific highly erodible classifications into cultivation and how many of them would apply for the USDA programs which are covered. Such decisions are made based on many factors including the weather and commodity prices. We expect the percentage of farmers affected by this legislation would be small.

(7) What will be the annual estimated cost in dollars and staff years of operating such a program?

Response: It is very difficult to estimate the cost of administering this program primarily becuase we have no way of knowing how many producers would be affected. The amendments we proposed to Senator Armstrong would allow the Secretary to accept producer certification. This, and the fact that we already make compliance checks on commodity programs would minimize the administrative cost in the Agricultural Stabilization and Conservation Service. However, we expect that the major cost and demand on staff would be in SCS. As mentioned earlier, SCS would primarily be involved in providing soils information and in providing technical assistance for establishing appropriate conservation systems. These activities are already basic to SCS programs and mission. For this reason, we do not view implementation of its program as a cost. We believe it would be a tool to help us achieve our long term soil conservation objectives.

Thank you for your interest in this matter. We look forward to working with you on this legislation.

Sincerely,

RICHARD E. LYNG,
Acting Secretary.

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